SENATE—*Tuesday, July 14, 1998*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Father, You have created us to love and praise You. You desire an intimate, personal relationship with all of us. Praise surges from our hearts for what You are to us and thanksgiving for what You promise for us. We say with the psalmist, "I will praise You, O Lord, with my whole heart. I will tell of Your marvelous works. I will be glad and rejoice in You; I will sing praise to Your name."—(Psalm 9:1–2). When we are yielded to You, our faltering, fallible human nature is invaded by Your problem-solving, uplifting presence. We want to glory only in our knowledge of You and Your wisdom. We commit our minds, emotions, wills, and bodies so that we may be used by You. Fill us with Your supernatural power so that we may be equipped to face the ups and downs, the pleasures and pressures of this day. We will remember that whatever the circumstances, praise and thanksgiving will usher us into Your heart where alone we can find the guidance and grace we so urgently need. You have given the day; now show the way. Through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, this morning, under a previous order, the Senate will debate the motion to waive the Budget Act with respect to the Daschle amendment, with a vote occurring on the motion at 10 a.m.

Following that vote, the Senate will continue consideration of the very important agriculture appropriations bill, with the hope of finishing the bill as soon as possible this evening, or as early as possible this week. And I am very proud that my senior colleague from Mississippi, Senator COCHRAN, will be doing his usual very good job in handling this important bill. Therefore, Members should expect rollcall votes throughout today's session of the Senate, with the first vote at 10 a.m.

For the remainder of the week, it is hoped the Senate will complete several important appropriations bills—at least agriculture, HUD-VA, and legislative. That would be a very positive movement and would give us an opportunity to address other important issues.

Members are reminded that we have the second in the Leader Lecture series this evening. I will be honored to introduce our former majority leader, Senator Baker. That will be held tonight at 6 p.m. in the old Senate Chamber.

Also, on Wednesday morning at 10 o'clock, there will be a Joint Meeting of Congress in the House Chamber to receive an address from the President of Romania.

I urge my colleagues to come to our lecture series session this afternoon with Senator Baker. I know it will be interesting and, as usual, filled with good wit and good humor, and will be very informative about his views of the Senate and where we have been and where we are going. The next speaker in the leader series is scheduled to be Senator BYRD of West Virginia. I believe it is in September.

Mr. KENNEDY. Mr. President, I wonder if the leader would yield for a question.

Mr. LOTT. I will be glad to yield, Mr. President.

Mr. KENNEDY. I was listening to the leader's outline for the remainder of the week and the proposals, and I had not heard the scheduling of the Patients' Bill of Rights. I know that the leader talked with the Democratic leader. I was wondering if he could give us any further information about what the scheduling prospects would be for that very important piece of legislation, particularly since the HUD appropriations has that as an amendment on it. What could the leader tell us about the prospects of going to a debate on this legislation?

Mr. LOTT. I have been indicating all year that the Senate was going to take this issue up, and beginning June 18 I sent suggested unanimous consent agreements to Senator DASCHLE. He and I talked yesterday. We are working together on that issue. We fully expect that probably early next week we will turn to this issue. We have not worked out the exact time or the exact procedure. But we had a good discussion yesterday, and we will continue to have that discussion.

I would like for us to do it where we have the Patients' Bill of Rights as the issue that is pending, with Senator KENNEDY's bill as one of those, obviously, that would be offered, and the task force bill that has been put together by Senator NICKLES, and others, and not tie up appropriations bills. We have the people's work to do. The appropriations bills keep the Government running. They fund our farm programs, they fund our veterans programs, they fund our housing programs, they fund our parks and Interior, Commerce, State, and Justice. The Senator knows the list. So we need to go ahead with those appropriations bills, and then we will turn to the Patients' Bill of Rights in a reasonable period of time.

Mr. President, I ask unanimous consent that I may proceed with my leader time so that I can make a statement with regard to the committee hearings on the investigation with regard to the satellite exports to the People's Republic of China.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

SATELLITE EXPORTS TO THE PEOPLE'S REPUBLIC OF CHINA

Mr. LOTT. Mr. President, I am going to provide an update on the investigations that have been proceeding by four of our committees into this U.S. policy toward satellite exports. We have not reached any final determinations. I want to emphasize that. The good counsel is that we have made some progress. We are learning some things, but there is a good deal more work that needs to be done. I believe the Intelligence Committee has an open hearing scheduled tomorrow. Senator COCHRAN's subcommittee has hearings scheduled I believe next week. So we will continue this. We are going to be thorough and we are going to be cautious. We should not jump to conclusions.

In this connection, I recently came across the following statement from 1989 concerning the Bush administration's decision to allow export licenses for three United States satellites: "Allowing these launches is not in the best interests of our country or of our relationship with China. It casts a long shadow that distorts beyond recognition what the United States ought to represent to our own people and to the people fighting for democracy in China." This statement was made by then-Senator AL GORE. He obviously has changed his position.

What we have to examine is whether the policy of allowing the export of U.S. satellites as implemented by the Clinton-Gore administration adequately protects American national interests.

Let me start with the bottom line. Senate investigations have only begun.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Lack of cooperation from the administration has hampered our efforts. Thirteen hearings with 32 witnesses have been held by four committees. I have met with the committee chairmen and other members of our informal task force on China. At this point, five major interim judgments can be made based on what we already know.

First, the Clinton administration's export controls for satellites are wholly inadequate. They have not protected sensitive U.S. technology. National security concerns are regularly downplayed and even ignored.

Second, in violation of stated United States policy, sensitive technology related to satellite exports has been transferred to China. We know what the case is.

Third, China has received military benefit from United States satellite exports.

Every day, there continues to be additional information that comes out in this area.

In fact, in today's Washington Times, there is a news article that says "U.S. Technology Builds 'Bridge' for China Missile."

Fourth, the administration has ignored overwhelming information regarding Chinese proliferation, and has embarked on a de facto policy designed to protect China and U.S. satellite companies from sanctions under U.S. proliferation law. We have a statement from White House official to that effect.

Finally, new information has come to light about China's efforts to influence the American political process. This new information should remove all resistance to naming an independent counsel to investigate the evidence and the allegations.

The administration has failed to fully cooperate with the Senate investigation, even though they have indicated that they would, and there is still time for that. But on May 22, 1998, along committee chairmen of jurisdiction, I sent letters requesting administration documents from the White House, the Departments of State, Commerce, Defense, and the Arms Control and Disarmament Agency. On June 1, 1998, a letter was sent to the Department of Justice requesting documents. On June 2, 1998, a letter was sent requesting documents from the Customs Service. On June 12, 1998, Senators SHELBY and KERREY sent letters requesting information from eight Governmental agencies and the White House as part of the Select Committee on Intelligence investigation.

The letters I joined in sending requested documents in three areas: First, all issues associated with the export of satellites to China, including waivers of U.S. law governing such exports and the decision to transfer control of satellite exports from the Department of State to the Department of Commerce; second, issues associated with China's proposed membership in the Missile Technology Control Regime, MTCR; and third, information on Chinese proliferation activities which indicate possible violations of U.S. laws.

A significant amount of documents have been provided concerning some areas of satellite exports—particularly from the White House and particularly on the presidential waivers allowing satellite exports. But virtually no information has been provided concerning the transfer of export controls from State to Commerce—from the White House or any other agency. And virtually no information has been provided on Chinese membership in the MTCR, or on Chinese proliferation activities in violation of U.S. law.

A review of executive branch compliance with our document requests demonstrates how limited the cooperation really has been.

Until Friday of last week, the Department of Commerce only provided an initial limited set of documents. More has been promised, but the response has again glacial and incomplete. The documents they have provided contain redactions that limit their utility, quite frankly.

The Department of Justice has provided nothing to the Committee on Governmental Affairs, and has insisted on reviewing virtually all documents provided by any other Government agencies—significantly slowing down the process in this area.

The Department of State has provided also virtually nothing. Classified documents, according to a July 2, 1998, letter, would not be provided to the Congress. Instead, documents could be read only at the Department of State. Given that far more sensitive information is routinely provided for the use of the Senate in Senate spaces, this can only be seen as bureaucratic obstruction.

The White House has not responded to the Intelligence Committee. Neither has ACDA, Customs, or State. Defense and Commerce have only provided limited information.

The White House initially declassified some documents concerning waiver decisions in June, but has provided nothing since then.

The Department of Defense has provided only a very limited number of documents.

The Customs Service has provided nothing other than a June 23, 1998, letter stating that they would not meet our June 15, 1998, deadline, but we haven't gotten that information as of yet.

After a review of the Clinton administration's compliance with our requests for information, it is hard to escape the conclusion that delay has become the standard operating procedure. Once again, it is going to make it difficult for us to get the information we need so we can make a clear determination about the damage that has been done with this technology transfer. After an initial show of good faith by the administration, we have not had a lot more cooperation since then.

We will be forced to consider other measures to compel enforcement. I don't plan to move nominees of these non-cooperative agencies until our legitimate oversight requests are honored. We are actively examining the possibility of subpoena options. It is becoming increasingly difficult to continue with the very productive hearings that we have had without this cooperation.

Now, I would like to address the five points I raised earlier in some greater detail. Again, these are preliminary conclusions and we are seeking additional information.

First, the Clinton administration's export controls for satellites are simply inadequate. There has not been adequate protection of sensitive U.S. technology. National security concerns are regularly downplayed and even ignored. Hearings before several committees have detailed the shortcomings in the development and implementation of export controls of satellites.

For example, a senior official of the Defense Trade and Security Administration testified before the Committee on Governmental Affairs on June 25, 1998, that "over the past six years, the formal process to control dual-use items has failed in its stated mission—to safeguard the national security of the United States."

Transferring the control of satellite exports from the State Department to the Commerce Department in 1996 really resulted in dramatic changes. According to the General Accounting Office testimony before the Senate Select Committee on Intelligence on June 10, 1998, the transfer reduced the influence of the Defense Department. It eliminated Congressional notification. It exempted satellite exports from certain sanctions. Technical information is not as clearly controlled, leading to uncertainty on the part of aerospace companies and to more technology transfer than previously allowed.

Testimony on July 8, 1998, before the Governmental Affairs Subcommittee on International Security, has established that the Department of Defense monitors are not required to be present at satellite launches. This is directly contrary to previous administration claims. No statute, policy, or regulation requires U.S. Government monitors.

At least three U.S. satellites have been launched in China with no U.S. monitors present. No one in the U.S. Government knows what transpired at these launches or if U.S. laws and policies on technology transfer were followed. No one in our Government is

even attempting to examine what occurred at these unmonitored satellite launches. Looking at these unmonitored launches, I think, would be a critical element of the next phase of our investigation.

Today's satellite export control system relies on the good will of the Commerce Department, a department which has repeatedly demonstrated its willingness to ignore national security concerns on satellite exports. This is an area where we need to take a close look at how we are going to proceed in the future and what is going to be expected of the Commerce Department.

For example, Commerce has unilaterally removed items subject to interagency license review without notice to other affected agencies. Commerce has also refused to send approved licenses to Defense so officials there can evaluate the final product. When it involves satellites and technology, clearly the Defense Department should be a part of this process.

Second, sensitive technology related to satellite exports has been transferred to China. In at least two cases, U.S. companies analyzed Chinese launch failures and communicated with Chinese officials. In 1995, Hughes analyzed the "APSTAR 2" launch failure. Commerce now concedes that this analysis should have been subject to State and Defense Department reviews before a Commerce official gave it to the Chinese. Commerce only provided the report, concluded in 1995, 2 hours before a Governmental Affairs Subcommittee on International Proliferation hearing on July 8 of this year.

The 1996 Loral launch failure is the subject of a Justice Department review for possible illegal transfer of technology. Compliance with the law is the province of the Justice Department. So we are looking into the impact on American national securities. It is very important that the Justice Department complete that work.

I agree with three assessments by three elements of the State and Defense Departments that China derived significant benefits from their technical exchanges with U.S. companies after the Long March crash in 1996, exchanges which are likely to lead to improvements in the reliability of their ballistic missile, and especially their guidance systems. So we have to be concerned very much about this transfer.

Third, China has received military benefit from U.S. satellite exports. There is a division within the executive branch agencies over how much China has benefited. But there seems to be agreement that certainly some benefit was derived.

The New York Times has reported that U.S. satellites are being used by the Chinese military for its internal coded communications. Administration officials concede that China is using American-made and exported satellites for their military communications. This is a clear and uncontested military benefit for China. The New York Times also reports that an additional satellite export that could enhance the Chinese military's ability to eavesdrop on phone conversations is under review by the Clinton administration.

The administration has ignored overwhelming information regarding Chinese proliferation and has embarked on what appears to be a de facto policy to protect China and U.S. satellite companies from sanctions under our U.S. proliferation law. For instance, on June 11, 1998, the Committee on Foreign Relations heard testimony from the former director of the Nonproliferation Center of the Central Intelligence Agency. The Clinton administration has used "almost any measure" to block intelligence judgments that China had transferred missiles to Pakistan—a clear violation of U.S. law that requires the imposition of sanctions. Intelligence analyses "were summarily dismissed by the policy community."

According to the testimony, the intelligence community is "virtually certain that this transfer had taken place . . ." I am convinced, after a personal investigation, that it did take place, and it was a very dangerous for Pakistan to be receiving these missiles. Why has that been the case, and why hasn't the administration been willing to take actions providing sanctions where clearly that information has been provided?

Finally, new information has come to light about China's efforts to influence the American political process. This new information should remove any doubt about the need for an independent counsel in this area.

It has already been reported that FBI Director Freeh has indicated his view that an independent counsel should be appointed. It is time to renew attention on the Attorney General. It is time for an outside, impartial investigation by an independent counsel into the serious and credible charges of direct Chinese Government financing or involvement in the 1996 elections. We have very good committees that are working together in a bipartisan way and looking into these very important questions. I urge them to continue to do so, and to do it in a calm and methodical way. It is essential that we get cooperation from the administration to provide the additional information that we requested, the additional evidence. And we will carry out our constitutional responsibilities. Nothing less should be expected of us.

In view of the inquiries we had about how these are proceeding, what information we have been getting, what is outstanding, and also what is our plan, as far as future hearings, I thought it was important that I give some review of what has transpired.

Mr. President, I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, in light of the statements that have just been made and the time consumed by the majority leader, I ask unanimous consent that each side have 10 minutes to debate the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I will have the opportunity to discuss, in greater detail, the remarks just made by the distinguished majority leader. Let me just say that our interest, too, is to have a bipartisan review of the actions taken with regard to the technology transfer in China. But I do hope that it will be bipartisan. The majority leader gave what I would view to be a pretty partisan report this morning with regard to the allegations pending on this particular matter, and I will have a very thorough response to the majority leader at some point today. I do believe that the issue warrants our review. As he said, this is a constitutional responsibility, but it also warrants objectivity and very thoughtful and careful consideration of the facts. Many of the reports the distinguished majority leader cited were allegations that have yet to be proven, allegations reported—he mentioned the New York Times on a number of occasions—allegations reported, citing unidentified sources, and what I would consider to be very questionable sources with regard to the information reported in some cases. So we are going to have to be very careful about the distinction between allegation and fact, the distinction between what has actually occurred and what is reported or what is alleged to have occurred. So I hope that we can do that, as he noted, in a bipartisan way, thoroughly and very carefully examining the facts and coming to some conclusion prior to the time we issue any reports.

THE TOBACCO AMENDMENT

Mr. DASCHLE. Mr. President, in the next few minutes we will have an opportunity to revisit an issue that many of us hoped would not have been rejected last month. The amendment before us is the so-called McCain managers' amendment to the comprehensive tobacco bill reported by the Commerce Committee. The only significant change is the Lugar amendment to repeal the tobacco quota and price support programs is removed.

There were many complaints about how loaded up the tobacco bill had become. The amendment we are discussing this morning has none of the extra provisions dealing with taxes and drug abuse. Each day that we wait, 3,000 kids start to smoke; 1,000 of them will die prematurely of tobacco-related

illnesses. Tobacco companies are targeting 12-, 13- and 14-year-old children as replacement smokers to fill the shoes of the 2 million smokers who quit or die each year. We have all heard the facts. Tobacco-related disease kills 400,000 Americans each year.

So today's tobacco amendment, the McCain managers' amendment, is simply designed to deter teen smoking without raising all of the other issues that surfaced during the debate. We had hoped very much that we could modify this amendment before its consideration today. Our Republican colleagues and the leader chose to oppose our unanimous consent request to change the amendment. We were going to modify the legislation to make it a straightforward authorization.

I will tell my colleagues that the modified amendment will be offered at a later date on another bill. We will be content to have the vote on the point of order on this amendment and then we will, as I have noted before, revisit this question on several occasions.

I am disappointed that our colleagues, for whatever reason, have chosen not to allow us to modify our amendment at this time. I hope no one will be misled. Their actions reflect their willingness to make difficult choices on tobacco legislation targeted at teenage smokers.

That is what this amendment is all about. So we will have an opportunity to vote on it. We can vote procedurally and we can obfuscate the question, but we will come back, and we will come back again and again over the course of the coming months, to offer legislation that will not be subject to any points of order. So we may be delaying that vote, but we will eventually have that vote.

I think it is critical that everyone recognize what a very important moment this is. The attorneys general are meeting as we speak. There is very likely to be an agreement dealing with past actions on the part of the tobacco industry. The question is, Can we deal with future ones, can we anticipate similar actions and establish public policy that will prevent the tobacco industry from targeting teenage smokers? That is, in essence, what we are attempting to do here with advertising restrictions, with research, with an array of disincentives to teenage smokers that otherwise will not be part of any agreement. It takes legislation.

So, Mr. President, this will be our opportunity to do that. I know there are other Senators who wish to speak, and I will yield the floor.

Mr. KENNEDY. Will the Senator yield?

Mr. DASCHLE. I would be happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. There is a time-honored tradition here which has been violated, at least in my concern, where a person who offers the amendment usually is afforded the opportunity to modify it, and that was not afforded to our leader last evening.

Is it the Senator's understanding that even if we have an attorneys general agreement that basically deals retrospectively with what has been achieved in the past but will not provide the kind of preventive programs that are so important to discourage teenagers from smoking, it will not strengthen the Food and Drug Administration to be able to take effective action in terms of certain advertising programs for youth and will do very little in terms of discouraging children from purchasing cigarettes because of an increase in price? Is it the Senator's understanding that one of the reasons he continues to press this is because even if there is an attorneys general agreement, that it is retrospective rather than prospective?

Mr. DASCHLE. The Senator from Massachusetts says it very well. That is as succinct a description of the problem as I have heard. The attorneys general may help address past problems, the retrospective and very serious concerns that have been raised in court cases throughout the country. The problem, then, becomes, how do we avoid those problems in the future? And what every attorney general has said is the only way you can do that is to establish new public policy that strengthens regulatory controls on tobacco, ends advertisements that target kids, expands our research efforts, increases the price of tobacco to deter youth from falling prey to the smoking habit, holding tobacco companies accountable for accomplishing youth smoking reduction targets, that is, let's put into place strategies that reduce teen smoking. Permanently. This must happen prospectively. What the Senator from Massachusetts said is exactly right. It s a question of whether or not we can successfully put into place laws that preclude any further abuses by the tobacco industry. We must act now to stop the industry from any further use of covert strategies such as those that, thanks in large measure to the work of the attorneys general, are now common knowledge.

Mr. KENNEDY. Just finally, because I see others in the Chamber, of course, those kinds of inflictions of addiction are continuing among the young people in this country today without this action.

My final question is this: Is it the Senator's purpose in providing a substitute, if he had been able to do that, or make the modification last night in the time-honored tradition of this body, would the Senator's modification basically have addressed the objections which were made to the earlier consideration of the tobacco proposal? I understood that is where they were directed. So if the measure had been permitted to be modified, that effectively the kinds of procedural issues and questions that have been raised would effectively have been attended to and we would have on the floor of the Senate a real opportunity to address the substance of the amendment?

Of course, I think, myself, they both have become interchangeable, but I am just interested in what is the leader's viewpoint on that issue.

Mr. DASCHLE. I thank the Senator from Massachusetts for his question. We are in an interesting position here. The Republican majority will argue that the pending amendment violates our budgetary rules, and on the basis of that violation, they will vote against the amendment and vote against the motion to waive the point of order on the budgetary rules.

Last night, we offered to change the amendment to accommodate the budgetary rules, and we were denied the opportunity to change that amendment. So here you have the Republican majority objecting to our amendment based upon budgetary rules, but unwilling to allow us to change the amendment so that it conforms to budgetary rules. So the question then becomes, What is the basis for the real opposition? The basis for the real opposition, one could only assume, is that they simply do not want to pass meaningful tobacco policy that takes aim at the array of serious policy concerns the Senator addressed in his earlier question.

Mr. KENNEDY. I thank the leader.

Mr. DURBIN. Will the Senator yield for a question?

Mr. DASCHLE. I am happy to yield to the Senator from Illinois.

Mr. DURBIN. Is the Senator saying the vote which we are about to take is one where there will be objection to the Senator's motion on procedural grounds, and yet the Senator was not afforded the opportunity to correct any procedural problems?

Mr. DASCHLE. The Senator from Illinois is correct.

Mr. DURBIN. So, in other words, I recall a gentleman I worked for in Illinois by the name of Cecil Partee, who used to say, "In politics, for every position you take there is a good reason and a real reason." So the good reason many Republicans will oppose our amendment is that because procedurally it is inartful or doesn't comply with the rules; the real reason is they don't want to give the leader a chance in any way to correct his amendment so we can move to a vote that really has accountability for tobacco companies. Is that not the case?

Mr. DASCHLE. The Senator from Illinois is correct. My answer, stated, I think, prior to the time the Senator from Illinois came to the floor, was simply to say: We will have that opportunity on other bills. We will not be precluded from having an opportunity

to offer a tobacco amendment that conforms to budgetary rules in some other context on some other piece of legislation in the not too distant future.

Mr. DURBIN. I ask the Senator to yield for one other question. So the tobacco companies on this next vote would really want your motion defeated; is that not true?

Mr. DASCHLE. The tobacco company's vote would be a "no" vote. That is correct.

Mr. DURBIN. I thank the Senator.

Mr. DASCHLE. I yield the floor.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER (Mr. HUTCHINSON). Under the previous order, the Senate will now resume consideration of S. 2159, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2159) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Daschle amendment No. 2729, to reform and structure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, and to redress the adverse health effects of tobacco use.

Motion to waive section 302(f) of the Congressional Budget Act with respect to consideration of Amendment No. 2729.

MOTION TO WAIVE THE BUDGET ACT—AMENDMENT NO. 2729

The PRESIDING OFFICER. The pending question is the motion to waive the Budget Act with respect to the Daschle amendment, No. 2729.

The distinguished Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, as I understand it, the Democratic leader's request was that there be 10 minutes equally divided, or 10 minutes on each side? Although 10 minutes has already been used in debating the amendment, does that count? I am curious.

The PRESIDING OFFICER. The Chair will advise the Senator he has 10 minutes remaining.

Mr. COCHRAN. Mr. President, I yield such time as he may consume to the distinguished Senator from New Mexico, the chairman of the Budget Committee.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, let me say to anyone listening to this debate, you would think that those who want the big spending bill that is in the guise of helping children stop smoking—you would think they have not had an opportunity on the floor of the Senate to present their case. If one would take this discussion and say that is the only discussion we have had on the so-called cigarette tax bill, that would be one thing. But my recollection, without checking the record, is that we have debated this issue for 4 weeks. Is that not correct, I ask the chairman of the subcommittee? Four weeks of floor time, with scores of amendments and so many hours of debate that I am assuming even the American people who watch C–SPAN wondered, "How much longer are you going to discuss this?" Now we come to the floor on an appropriations bill that everybody knows has to be passed and signed by October 1 or we close down all of agriculture in America, and up comes the cigarette bill and a debate starts: "The Republicans don't want to let us vote."

I don't know anything about the lack of ability to amend the amendment, but I do know this. This amendment is for real in terms of its budgetary impacts. As a matter of fact, if this were on the bill when it came out of committee, it would be subject to a point of order and the whole bill would fall. That is how important it is, because it overspends what is allocated to the Subcommittee on Agriculture by $8 billion. I wonder how many eight billions of dollars over the allocation which keeps this new balance we can have around here? Can we have eight or nine of them this year and say, "It is such wonderful legislation that we just ought to break the rules of the budget?"

I will acknowledge the Budget Act says you can waive the Budget Act, so I am not critical of those who try to waive it. But I am wondering whether or not, when we wrote that Budget Act and said you can waive it, whether we had in mind breaking a 5-year balanced budget that was in place for the first time in 40 years because along came some legislation that people thought was very, very interesting and important?

Let me repeat. There are some who are going to say this is just a procedural vote, it isn't meaningful, and Republicans have pulled this out of the bag like a rabbit pulled out by some kind of a person that pulls tricks. There is nothing to that. Mr. President, $8 billion is a lot of money. I think the American people understand $8 billion. And this is $8 billion in new direct spending that will be charged to this subcommittee on its agricultural bill for all of agricultural programs, including research, in the United States. It could cause the bill to fail so that those on the other side of the aisle can have yet another chance to debate an issue which has been debated for 4 weeks.

Mr. President, I am glad the majority leader raised the point of order under the Budget Act. It is absolutely right. It is correct. It is substantive. As a matter of fact, had he not raised it, there would have been a chorus of Senators here to raise it because it is so patently in violation of the 5-year budget agreement that we just entered into last year wherein we told the American people it is a first in 38 years and how proud we are that we are in balance. Then along comes the President who says don't spend a nickel of the surplus on anything but Social Security. Then we come with bills like this, and there goes $8 billion of the surplus here. I don't know what is going to happen on the next bill when they have more of this. So, frankly, I believe we ought to sustain the point of order.

I repeat, it is real, it is fair, and it is timely. They have had, those who want this gigantic $875 billion new expenditure plan over the next 25 years—that is what the bill before us, the big bill, was—anyone who wants that, they had their debates for 4 weeks and lost. Do we want to start over again on an appropriations bill? And then who is going to be claiming we didn't get our business done, we couldn't get the appropriations finished by October 1? Who is going to be doing that? The President and the minority party. And this is just one more instance where it is their fault we don't get it done, not our fault.

We ought to pass this appropriations bill and do this in due course if there is another opportunity presented by the Senate. If not, they have had their day in court, it seems to me. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I urge the Senate to vote against the motion made by the Democratic leader to waive the Budget Act. This is an amendment that is almost the biggest program in the entire bill that is contained in the agricultural appropriations bill that is before the Senate. We don't have the authority as an Appropriations Committee to write the legislative language to create a program of this kind, and that is what the Democratic leader and his cosponsors on his side of the aisle seek to do.

There is funding in the bill, Senators should know, for the Food and Drug Administration's program targeted to dealing with the problem of underage smoking. Mr. President, $34 million is appropriated in the bill for the FDA's program to deal with that, and that is consistent with the existing legal authority which this committee has to operate under and respect.

Supporting the Budget Committee chairman's appeal to the Senate, I urge Senators to vote "no" on the motion to waive.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. ROBERTS). The time on the Democratic side has expired.

The question is on agreeing to the motion to waive the Budget Act with respect to Daschle amendment No. 2729. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Ohio (Mr. GLENN) are necessarily absent.

The yeas and nays resulted—yeas 43, nays 55, as follows:

[Rollcall Vote No. 198 Leg.]

YEAS—43

Akaka	Ford	Mikulski
Baucus	Graham	Moseley-Braun
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Breaux	Inouye	Reed
Bryan	Johnson	Reid
Bumpers	Kennedy	Robb
Cleland	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Specter
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden
Feingold	Levin	
Feinstein	Lieberman	

NAYS—55

Abraham	Faircloth	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Roth
Burns	Gregg	Santorum
Byrd	Hagel	Sessions
Campbell	Hatch	Shelby
Chafee	Helms	Smith (NH)
Coats	Hutchinson	Smith (OR)
Cochran	Hutchison	Snowe
Collins	Inhofe	Stevens
Coverdell	Jeffords	Thomas
Craig	Kempthorne	Thompson
D'Amato	Kyl	Thurmond
DeWine	Lott	Warner
Domenici	Lugar	
Enzi	Mack	

NOT VOTING—2

Biden	Glenn

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 55.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment fails.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, Senator HARKIN will have an amendment in just a moment. He is on his way over. I thought it might be appropriate to get the debate started and to have a discussion about the essence of the amendment. It will be simply a sense-of-the-Senate resolution that calls upon the Senate and the country to respond to the problem we find in agriculture today.

Most of America prospers with an economy that is striking for its performance and success. On Wall Street, on Main Street, in the suburbs of America, and in virtually every segment of our country the economy is as strong as it could possibly be. Wall Street has exceeded their expectations manyfold. The number of housing starts is up. The number of new businesses created is way up. The number of people employed has been dramatically improved upon in the last 5 years. We now have over 14 million Americans who have new jobs.

So while the overall economic picture is extremely bright and encouraging, with no end in sight, the Federal Reserve Board continues to argue that its circumstances are that they don't see any need to change; they won't increase the interest rates. While all that is happening, there is a segment of our economy that continues to get worse and worse and more and more bleak.

While most of America prospers, our farmers and ranchers in rural communities are now in a crisis. While we recognize the geographic differences that exist, there are some areas where you might suggest that crisis is avoided. Some in agriculture today—rice farmers and cotton farmers—are generally happier than they have been on other occasions. But across the Great Plains, down into Texas, well into the Dakotas, across into Montana and the West, down into the Southeast, every time I go home, we see increasing evidence of serious economic alarm.

This crisis rivals now the worst of the farm crisis in the 1980s in some parts of our country. Farm income is down dramatically in South Dakota and across the country. It has fallen in 32 States. It is down by 30 percent in more than one-fifth of the country today. The problem is low prices. In 1998, the average net farm income for Great Plains farmers is expected to be near the poverty line for a family of four.

Let me make sure everybody understands that.

A farmer in the Great Plains who is on the farm today working actively as a producer—the average farmer today—will actually see his or her income at the official poverty line for a family of four.

Here we are experiencing one of the greatest booms in modern day on Wall Street in virtually every segment of the economy, and yet our farmers and ranchers are the ones experiencing an unbelievable economic and financial crisis that equals, if not exceeds, anything they have had in the past.

Farm debt is now $172 billion. That, Mr. President, is the highest it has been in 13 years. We have to go all the way back to the time when farmers rolled their tractors into Washington to find a time when farm debt was as high as it is today at $172 billion. Overall farm income nationwide is down $5.2 billion since 1996.

So we have seen a precipitous decline in farm income. We have seen an accompanying increase in debt rivaling anything we have seen in my lifetime, going all the way back to the farm crisis of 1985. And that is our current circumstance. Do you call that a crisis, when a family of four is trying to eke out a living on a farm, or a ranch, is at the poverty-line income, when debt has gone up by $172 billion, when we have seen the precipitous decline in farm income in just the last 2 years of $5.2 billion?

Mr. President, that translates into losses that go beyond farms. In fact, we are told that we could see a loss of 100,000 jobs in rural America as a result of the problems in the agricultural sector—100,000 people. Why? Because farm income has plummeted, debt has gone up, and the economy continues to worsen.

So there is no doubt that this isn't just a farm issue, it is a rural issue of enormous magnitude. The ripple effect is clearly now in evidence.

Mr. President, I have the greatest admiration and affection and respect for the current Presiding Officer. He and I have worked together and come from the same part of the country. I appreciate his sense of humor. But in some ways you have to have a sense of humor to look at the Freedom to Farm Act today. Freedom to Farm, in my view, is what is responsible in large measure for what has happened. It has destroyed the safety net for our country's family farmers. Many of us predicted on the day that it passed that this would be what we would be facing. In fact, going back to a quote I made the day that the bill passed, I said at the time: "I think the Senate has made a very tragic mistake. This fight is not over. We will come back."

Well, we are back. I wish we didn't have to be. But we are back. We are back because we have no choice now. The crisis is upon us. Some of us could have predicted it. The fact is that it has happened. Without delving into all the reasons why it happened, at least right now, I don't think with the figures I have just stated for the record that anyone can deny that it is happening. What else can you say about a family farm that is experiencing poverty-level income? What else can you say about an income overall in the economy, the farm economy, that has projected a $172 billion debt, the highest since 1985? What else can you say about just 2 years of lost income, now $5.2 billion?

Mr. President, there is no question we are in a crisis. The question is now, what do we do? Frankly, after a great deal of debate internally, most of us

have concluded that it isn't our purpose now to completely reopen the debate on the Freedom to Farm Act and revisit each and every one of the areas that we think need improvement. That is something we will have to save for another time. We are in a crisis. We are in an emergency. Because we are in an emergency, we don't have the luxury of saying let's just take our time, go back and review everything, and rewrite everything that we believe may be causing these problems. Rather, what we decided to do, Mr. President, is simply this:

First, let's offer a sense-of-the-Senate resolution that recognizes the seriousness of the problem, and as clearly, and hopefully in a bipartisan manner, say: "We want to respond. We hear you. We are empathetic. We agree the situation is very serious, and we are going to respond." That is the purpose of the sense-of-the-Senate resolution.

AMENDMENT NO. 3127

Mr. DASCHLE. Mr. President, on behalf of Senator HARKIN, and as a cosponsor of the resolution, I send it to the desk at this time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota (Mr. DASCHLE) for himself and Mr. HARKIN, proposes an amendment numbered 3127.

Mr. DASCHLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert:

Findings:

In contrast to our Nation's generally strong economy, in a number of States, agricultural producers and rural communities are experiencing serious economic hardship;

Increased supplies of agricultural commodities in combination with weakened demand have caused prices of numerous farm commodities to decline dramatically;

Demand for imported agricultural commodities has fallen in some regions of the world, due in part to world economic conditions, and United States agricultural exports have declined from their record level of $60 billion in 1996;

Prolonged periods of weather disasters and crop disease have devastated agricultural producers in a number of States;

Thirty-two of the fifty States experienced declines in personal farm income between 1996 and 1997;

June estimates by the Department of Agriculture indicate that net farm income for 1998 will fall to $45.5 billion, down 13 percent from the $52.2 billion for 1996;

Total farm debt for 1998 is expected to reach $172 billion, the highest level since 1985;

Thousands of farm families are in danger of losing their livelihood and life savings;

Now, therefore, it is the sense of the Senate that emergency action by the President and Congress is necessary to respond to the economic hardships facing agricultural producers and their communities.

Mr. DASCHLE. Mr. President, many of our Republican colleagues have said that high prices and robust trade would keep the farm economy strong. I agree. I don't think there is anyone who disagrees with that. High prices and robust trade go hand in glove. The problem is, we don't have either. Prices across the board have plummeted to the lowest levels they have been in more than a decade. Livestock prices and grain prices are at such a point that no one can survive today. No one can survive on prices that farmers are receiving at the local elevator—no one. They are at the levels that farms received when the Presiding Officer and I were born. The same levels that farmers were getting when we were born are the prices farmers are getting today. Could we survive on that kind of an income as Senators, as members of the Senate staff? Could anyone on Main Street survive on prices they were getting in 1947, in my case? We know the answer to that.

This last week, an amendment was offered which was introduced by the distinguished Presiding Officer, Senator ROBERTS, and our very distinguished colleague from Washington, Senator MURRAY, exempting farm products from sanctions. We could have added a lot of things to that. But the Senator from Kansas said—and I had a discussion, and we agreed—that it was better to get something done than to use it as a vehicle for more proposals that we wish could get done.

So on a bipartisan basis, I think unanimously—if not unanimously, almost so—the Senate went on record in favor of lifting the agricultural sanctions that have existed now for some time.

The right thing to do—and I am very proud that on an overwhelming basis we sent as clear a message on trade with that vote as we could. Now I hope we will send just as clear a message on domestic solutions. If we can do it on trade, as the Senator from Kansas has noted, we ought to do it on price. And while there is no question that trade can have a positive effect on price, I think one would have to argue vociferously, and I don't think ever conclusively, that whatever changes we make on price related to trade will not be short term. It will be very, very difficult to see any short-term, immediate repercussions based on trade, although for long-term purposes it is exactly what we need to do. We need to find ways to market our products abroad. We need to find ways to be competitive and to see that those markets open up. For us to shoot ourselves in the foot at the very time when farmers need those markets is the absolute worst thing we can do.

So, Mr. President, the trade piece is the right piece for the long term. The problem is, we have short-term needs that will never be addressed by trade. So here we are, back to correct the failed policies that have crippled rural America, back to recognize that we have to take some actions on this particular bill.

The amendment that we now have before us recognizes the plight of the family farmer in America. It says that we are on your side, we understand your situation, and that we must act on a solution. That solution will be the subject of additional amendments that we will lay out over the course of the next period of time. It will remove the cap on marketing loans and extend the loan term. We require mandatory price reporting for livestock. We want to require labeling of imported meat. We want to target emergency assistance for victims of multiple-year disasters. The alternative is to do nothing. All Senators should ask, all Senators really need to ask is this: Would they accept a 30 percent cut in their income as thousands of farmers have? Do they want rural America to survive? Do they value the whole societal fabric that family farmers bring to rural America today?

We have to recognize and respond to this crisis and help farmers in rural communities, help at least in part by restoring a small segment of the agricultural safety net, create a more open and fair marketplace where a safety net isn't even necessary, and give farmers an opportunity to share in America's prosperity.

That is what we hope to do. We wish we could do it outside the context of an agriculture appropriations bill. That would be my choice. We have been unable, at least to date, to get markups and votes in the committee, taking legislation from the Agriculture Committee to the Senate floor. And so our choice is left to this, to offer amendments on the best second vehicle we could have. The agricultural appropriations bill is a bill that has to pass.

We will work with the distinguished manager, and there is no better, I might add, than the manager of this particular bill. We will work with him to see that we have the opportunity to pass this legislation and do what we must to assure that farmers have the resources they need. I cannot think of a more important issue than this. I cannot think of a better time than this for us to respond.

I hope that on a bipartisan basis we will see fit to pass this amendment.

I yield the floor.

Mr. COCHRAN. Mr. President, I think it is a good idea that at the beginning of this debate on agriculture appropriations we acknowledge there are some serious problems in the agriculture sector of our economy. There is no quarrel with that, and on both sides of the aisle I think Senators are prepared to acknowledge that we have an obligation to understand this fully and to do what we can within the constraints of the Budget Act and the constraints of the law. We appropriate

funds to make sure that the Department of Agriculture has the resources to take all appropriate action to help deal with these problems.

We realized when we began work on the agriculture appropriations bill that we did not have enough money to do everything we would like to do for rural development, for nutrition assistance, for agriculture research, for export promotion, and the wide range of activities that go into the programs administered by the Department of Agriculture and the related agencies that are funded in this bill.

It is a bill that was fully supported by Members on both sides of our subcommittee and in the full Committee on Appropriations. We didn't have a dissenting vote anywhere along the way for the appropriations bill that we brought to the floor and that is pending before the Senate right now. We have tried to make sure that every possible effort is made, as we deal with the question of how much money to put in one account or the other, to do the best possible job that we could, and I think this bill is going to pass that test.

We were glad to have the strong and helpful support of the distinguished Senator from Arkansas, Mr. BUMPERS, who is the senior Democrat on the Appropriations subcommittee for the Department of Agriculture, and other Senators who worked with us as well. This sense-of-the-Senate resolution, if Senators will notice, outlines a number of things that are suggested for changes in either current law or the efforts that the administration could take to help deal with this problem which the distinguished Democratic leader outlined.

It may very well be that we can make some changes to this and have a bipartisan sense-of-the-Senate resolution. That would be my hope, and I suggest to Senators that we make that effort.

Since we have just seen this proposed resolution, I am hopeful that we can set it aside, take some time with those who are interested in helping make sure that we do accurately state the problem and the observations that the Senate has as a collective body of Republicans and Democrats in dealing with the problems, and can pass it without any objection on either side. That would be my hope, and that is what I intend to suggest the Senate do.

We have some other amendments that we are going to have to offer. Many of these amendments are proposed by Senators who are not members of the Appropriations Committee, but we have now had an opportunity to review them and we are prepared to recommend that a number of amendments be accepted.

The distinguished Democratic leader indicated that he would have no objection in setting aside this amendment if we wanted to go to other amendments, and so at this point I am going to ask unanimous consent that the pending sense-of-the-Senate resolution be set aside and I be permitted to send an amendment to the desk on the subject of crop insurance.

The PRESIDING OFFICER. Is there an objection?

The Chair hears none, and it is so ordered.

AMENDMENT NO. 3128

(Purpose: To provide additional funding for the Agricultural Research Service, the Cooperative State Research, Education, and Extension Service, and the Rural Community Advancement Program; to amend the Federal Crop Insurance Protection Act by eliminating the surcharge on the administrative fee for fiscal year 1999; and to restrict the Wetlands Reserve Program's new acreage enrollment in fiscal year 1999)

Mr. COCHRAN. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. BUMPERS, for himself and Mr. COCHRAN, proposes an amendment numbered 3128.

The amendment is as follows:

On page 10, line 17, strike "$767,921,000" and insert in lieu thereof "$768,221,000".

On page 13, line 11, strike "$49,200,000" and insert in lieu thereof "$50,500,000".

On page 14, line 17, strike "$434,782,000" and insert in lieu thereof "$436,082,000".

On page 35, line 7, strike "$700,201,000" and insert in lieu thereof "$703,601,000".

On page 36, line 14, after the "systems", insert ": *Provided further*, That of the total amount appropriated, $2,800,000 shall be available for a community improvement project in Arkansas".

On page 64, line 18, strike "140,000" and insert in lieu thereof "120,000".

On page 67, after line 23, add the following:

"SEC. 739. None of the funds appropriated or otherwise made available by this Act may be used to require any producer to pay an administrative fee for catastrophic risk protection under section 508(b)(5)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(5)(A)) in an amount that is greater than $50 per crop per county.".

"SEC. 740. Nothing in this Act shall be interpreted or construed to alter the current implementation of the Wetlands Reserve Program, unless expressly provided herein.".

Mr. COCHRAN. Mr. President, I ask unanimous consent that the clerk withhold reporting of the amendment. I have been advised, contrary to my understanding with the Democratic leader, there are some Democrats who could not agree that that amendment be set aside now. So I do not insist that the amendment be reported. Let me state what this amendment will do when it is offered.

This is an amendment that increases appropriations in the bill for the Agricultural Research Service and the Cooperative State Research, Education and Extension Service to fund additional agriculture research activities.

It also increases the total appropriations for the Rural Community Advancement Program and earmarks funding for a community improvement project in Arkansas.

It also adds a general provision to the bill to eliminate for fiscal year 1999 the surcharge on the administrative fee in excess of $50 per crop per county authorized by the Federal Crop Insurance Protection Act.

The proposed changes will also place some enrollment limitations on the Wetlands Reserve Program. The amendment is designed to make available to the Crop Insurance Program additional funds that were contemplated by the agriculture research bill that was passed by the Senate and signed by the President earlier this year. It is that legislation that we are suggesting be attached to this legislation to help carry out the provisions in the law that we now have had enacted as a result of the bipartisan effort in the Agriculture Committees of both the Senate and the House.

It is that amendment that we would like to propose to the Senate while we work on reaching an accommodation with Senators on both sides of the aisle on the sense-of-the-Senate resolution with respect to the problems in the agriculture sector of our economy.

The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from Mississippi is set aside.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I understand that the objection that we previously heard had been raised to setting aside the pending sense-of-the-Senate resolution and sending an amendment to the desk has now been lifted, and that there is no objection to taking that action, as I had earlier been advised.

So, I send the amendment that I described on crop insurance to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment offered by the Senator from Mississippi is now the pending question.

Is there further debate on the amendment?

Mr. COCHRAN. Mr. President, this amendment increases appropriations in the bill for the Agricultural Research Service and the Cooperative State Research, Education, and Extension Service to fund additional agricultural research activities. Specifically, the amendment provides an additional $300,000 to increase scientific staffing

at the Cropping Systems Center at the New England Plant, Soil, and Water Laboratory in Orono, Maine, to develop production and disease management systems. This research will increase potato production efficiency, viability of small farms and enhance water quality in the Northeast Region.

It increases the total funding provided in the bill for special research grants funded through the Cooperative State Research, Education, and Extension Service by $1,300,000 to fund the following new research grants at the levels specified:

Chesapeake Bay agroecology (Maryland)	$300,000
Designing Food for Health (Texas)	$250,000
Infectious disease research (Colorado)	$250,000
Scallops Research (Connecticut)	$250,000
Urban aquaculture (Massachusetts)	$250,000

The amendment also increases the appropriation for the Rural Community Advancement Program by $3,400,000 and earmarks funding for a community improvement project in Eastern Arkansas.

Finally, the amendment adds a general provision to the bill to eliminate for fiscal year 1999 the surcharge on the administrative fee in excess of $50 per crop per county authorized by the Federal Crop Insurance Protection Act.

The additional costs of the changes proposed by this amendment are fully offset by a further restriction on new acreage enrollments in the Wetlands Reserve Program for fiscal year 1999. This proposed change would place a 120,000 acre limitation on new acreage enrollments versus the 140,000 limitation currently recommended in the bill.

I ask that this amendment be favorably considered by my colleagues.

Let me say by way of further explanation, in describing the amendment, the reason we have to make this change in the Crop Insurance Program is that we wanted to remove a 10-percent surcharge on the administrative fee imposed by the Agriculture Research Extension and Education Reform Act. That was the bill that we had earlier passed which provides a lot of new, mandated expenditures for agriculture research. This surcharge, that I have referred to, would require farmers to pay as much as a 400-percent increase above the 1998 administrative fee. This is not a minimal administrative fee as farmers had been promised.

So this amendment will remove the surcharge, and that is the purpose of getting this amendment offered at this early stage in the bill, so there will not be any question about whether or not there will be an opportunity for participation by farmers in the Crop Insurance Program because of these prohibitive costs. We think this is an important change to be made in that law and will help provide the opportunity to deal with disaster assistance under the Crop Insurance Program.

My understanding is that this amendment has been cleared on both sides. I will defer to my friend from Arkansas for any comments he would like to make on this amendment.

Mr. BUMPERS. Mr. President, the Senator is correct. This amendment has been cleared on this side.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

The amendment (No. 3128) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, we have a number of other amendments where we have worked to reach agreement and to recommend to the Senate that amendments be approved.

AMENDMENT NO. 3129

(Purpose: To make a technical correction in the amount provided for demonstration programs)

Mr. COCHRAN. Mr. President, the first one that I suggest we consider is an amendment offered by Senator BUMPERS and myself dealing with the Rural Community Advancement Program. It is a technical correction. I send that amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for himself and Mr. BUMPERS, proposes an amendment numbered 3129.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 35, line 25, strike "$1,000,000" and insert "$70,000".

Mr. COCHRAN. Mr. President, this amendment makes a technical correction to the bill to provide that not to exceed $70,000 of the total funds appropriated for the Rural Community Advancement Program be available to subsidize the cost of funds provided for demonstration programs.

Mr. BUMPERS. Mr. President, the amendment has been cleared on this side of the aisle.

The PRESIDING OFFICER. Is there further debate on the amendment? If there is no objection, the amendment is agreed to.

The amendment (No. 3129) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3130

(Purpose: To transfer funding for credit sales of acquired property to subsidize the cost of additional farm ownership loans)

Mr. COCHRAN. Mr. President, I now send an amendment to the desk offered for myself and the distinguished Senator from Arkansas. This amendment will transfer funding for credit sales of acquired property to subsidize the cost of additional farm ownership loans.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for himself and Mr. BUMPERS, proposes an amendment numbered 3130.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 26, line 26, strike "$488,872,000" and insert in lieu thereof "$510,649,000".

On page 27, line 7, insert "and" before "for".

On page 27, lines 8 and 9, strike "; and for credit sales of acquired property, $25,000,000".

On page 27, line 13, strike "$16,320,000" and insert in lieu thereof "$19,580,000".

On page 27, line 20, insert "and" before "for".

On page 27, lines 21 and 22, strike "; and for credit sales of acquired property, "$3,260,000".

Mr. COCHRAN. Mr. President, this amendment, as I stated, is designed to eliminate the subsidy appropriation for Farm Service Agency credit sales of acquired property and transfer this amount to subsidize the cost of additional farm ownership direct loans.

The amendment increases the subsidy appropriation for farm ownership direct loans by $3,260,000 to fund an additional $21,777,000 in loans. This will fund an estimated total farm ownership direct loan level of $85,649,000 for fiscal year 1999 versus the $63,872,000 level now proposed by the bill.

I have been advised by the Department of Agriculture that the Farm Service Agency credit sales loan obligations are currently lower than anticipated and the full amount requested for fiscal year 1999 will not be required. Any funding needed for credit sales of acquired property for fiscal year 1999 can be made available through the agency's loan programs. Given this, the amendment proposes to move this money to increase available funding for farm ownership direct loans.

Mr. BUMPERS. Mr. President, the amendment has been cleared on this side of the aisle.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

The amendment (No. 3130) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3131

(Purpose: To establish a personnel management demonstration project)

Mr. COCHRAN. Mr. President, the next amendment on my list that has been cleared is one by the Senator from Arkansas dealing with a pilot personnel program. Does the Senator want to send that to the desk?

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 3131.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 67, after line 23, insert the following:

SEC. . That notwithstanding section 4703(d)(1) of title 5, United States Code, the personnel management demonstration project established in the Department of Agriculture, as described at 55 FR 9062 and amended at 61 FR 9507 and 61 FR 49178, shall be continued indefinitely and become effective upon enactment of this bill.

Mr. BUMPERS. Mr. President, this bill continues the current hiring system being used within the Forest Service and the Agricultural Research Service to examine for, and make, first permanent competitive Federal appointments. The hiring system will terminate on June 30, 1998, unless it is extended.

Applicants and management officials have had an overwhelmingly positive response to the hiring system. Specifically, management believes the program has increased its control over hiring, resulting in a greater likelihood that the candidate pool is appropriate and available, reducing the number of staff hours expended in testing, examining and rating applicants.

The Office of Management and Budget has no objection to this amendment. I think this has been cleared on the other side.

Mr. COCHRAN. Mr. President, we have reviewed this amendment, and we have cleared it on this side of the aisle.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

The amendment (No. 3131) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, there is another amendment of Senator BUMPERS, which I have cosponsored, to prohibit budget requests based on unauthorized user fees. If it is appropriate, we can send that amendment to the desk at this time.

Mr. BUMPERS. Mr. President, I would like to move on to the next amendment and come back to this one.

AMENDMENT NO. 3132

(Purpose: To make an amendment relating to rural housing programs)

Mr. COCHRAN. Mr. President, there is another amendment which we have agreed to be adopted offered by Senators D'AMATO and SARBANES dealing with the rural housing authorization in this bill.

On behalf of Senator D'AMATO, for himself and Mr. SARBANES, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. D'AMATO, for himself, and Mr. SARBANES, proposes an amendment numbered 3132.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 67, after line 23, insert the following:

SEC. . (a) The first sentence of section 509(f)(4)(A) of the Housing Act of 1949 (42 U.S.C. 1479(f)(4)(A)) is amended by striking "fiscal year 1998" and inserting "fiscal year 1999".

(b) Section 515(b)(4) of the Housing Act of 1949 (42 U.S.C. 1485(b)(4)) is amended by striking "September 30, 1998" and inserting "September 30, 1999".

(c) The first sentence of section 515(w)(1) of the Housing Act of 1949 (42 U.S.C. 1485(w)(1)) is amended by striking "fiscal year 1998" and inserting "fiscal year 1999".

(d) Section 538 of the Housing Act of 1949 (42 U.S.C. 1490p–2) is amended—

(1) in subsection (t), by striking "fiscal year 1998" and inserting "fiscal year 1999"; and

(2) in subsection (u), by striking "September 30, 1998" and inserting "September 30, 1999".

Mr. D'AMATO. Mr. President, I rise to offer an amendment relating to rural housing programs of the Department of Agriculture. I express my sincere appreciation to Chairman COCHRAN and Ranking Minority Member BUMPERS for their consideration of the amendment which I offer with Senator PAUL SARBANES, Ranking Minority Member of the Committee on Banking, Housing, and Urban Affairs. I commend them for their steadfast commitment to providing affordable housing for rural Americans.

The Department of Agriculture operates a number of successful housing programs under the auspices of its Rural Housing Service (RHS). Rural housing programs, while a function of the Department of Agriculture, are under the jurisdiction of the Banking Committee. As Chairman of the Banking Committee, I respectfully request the adoption of this amendment.

This amendment will permit vital housing programs to continue in an uninterrupted fashion. It includes one-year extensions of existing housing programs. Specifically, the RHS Section 515 Rural Rental Housing Program, the RHS Section 538 Rural Rental Housing Loan Guarantee Program, and the RHS Underserved Areas Program would be extended until September 30, 1999. These short-term extensions are necessary to ensure that needy Americans continue to be served.

There is a critical need for affordable housing in rural America. According to the 1990 census, over 2.7 million rural Americans live in substandard housing. In my home State of New York, 76 percent of renters are paying 30 percent or more of their income for housing. Approximately 60 percent of New York renters pay over 50 percent of their income for rent.

The Rural Housing Service Section 515 and Section 538 programs represent a significant portion of the limited resources available to respond to this serious unmet housing need. Since its inception in 1962, the Section 515 rental loan program has financed the development of over 450,000 units of affordable housing in over 18,000 apartment projects. The program assists elderly, disabled and low-income rural families with an average income of $7,200. The Section 538 program is a relatively new loan guarantee program which has proven to have widespread national appeal. With a subsidy rate of approximately 3 cents per dollar, it is an example of cost-efficient leveraging of public resources.

I thank the Appropriations Committee for its recognition of the great need for these essential rural housing programs. I support immediate adoption of this amendment.

Mr. SARBANES. Mr. President, I rise today to offer an amendment, along with the Chairman of the Senate Committee on Banking, Housing, and Urban Affairs, Senator ALFONSE D'AMATO, to extend rural housing programs for the Rural Housing Service of the Department of Agriculture. I would like to commend the leadership of Chairman COCHRAN and Ranking Member BUMPERS for their continued commitment to ensuring that rural housing programs serve rural Americans with affordable, decent housing choices.

This amendment would extend for one year several rural rental housing programs. This includes the Section 515 Rural Rental Housing Program, the Section 538 Rural Rental Housing Loan Guarantee Program, and the Underserved Areas Program. Because many

families in rural America do not have incomes high enough to make homeownership possible, it is imperative that Rural Housing Service be able to provide decent, affordable rental units. These programs are among the few resources that help alleviate the shortage of affordable rental housing and enable very low and low income renters in rural America to access affordable rental housing.

The Section 515 Program has provided over 450,000 units of affordable rural housing since 1962; there is no other federal program that provides this assistance to very low income renters in rural areas. The Section 538 Loan Guarantee Program is designed to meet the needs of low and moderate income rural Americans not being served by the Section 515 Program. This program enables the federal government to partner with developers and funders to generate needed rental housing in rural areas.

Both the Section 515 and 538 Programs offer direct benefits for communities, including creating jobs and increasing local taxes, in addition to attracting and maintaining businesses. Stable rental housing has been proven to be a vital link to the overall health and viability of rural communities. While the Rural Housing Service has done much to bring affordable housing to rural America, many rural families still experience housing overcrowding, substandard facilities, cost overburdens, and remain in desperate need of housing assistance. As we encourage families to move from welfare to work, it is even more essential that we build on this vital housing program that provides the safety net which will give the working poor an opportunity to live in affordable, safe and decent housing.

Again, I would like to commend Chairman COCHRAN and Ranking Member BUMPERS for their action to ensure that essential rural rental housing programs receive authorization to continue serving low income families for another year. I urge the swift adoption of this amendment.

Mr. COCHRAN. Mr. President, the amendment has been cleared on this side. We recommend that it be approved by the Senate.

Mr. BUMPERS. Mr. President, the amendment has been cleared on this side of the aisle.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

The amendment (No. 3132) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3133

(Purpose: To require the Secretary of Agriculture to conduct a review of methyl bromide alternatives research)

Mr. COCHRAN. Mr. President, another amendment which we have been able to review and are prepared to recommend the Senate accept is one offered by Senator GRAHAM of Florida. I send that amendment on his behalf to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. GRAHAM, proposes an amendment numbered 3133.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 67, after line 23, add the following:

SEC. 7 . METHYL BROMIDE ALTERNATIVES RESEARCH.

(a) REVIEW.—The Secretary of Agriculture, acting through the Agricultural Research Service, shall conduct a review of the methyl bromide alternatives research conducted by the Secretary that describes—

(1) the amount of funds expended by the Secretary since January 1, 1990, on methyl bromide alternatives research, including a description of the amounts paid for salaries, expenses, and actual research;

(2) plot and field scale testing of methyl bromide alternatives conducted by the Secretary since January 1, 1990, including a description of—

(A) the total amount of funds expended for the testing;

(B) the amount of funds expended for the testing as a portion of a larger project or independently of other projects; and

(C) the results of the testing and the impact of the results on future research; and

(3) variables that impact the effectiveness of methyl bromide alternatives, including a description of—

(A) the individual variables; and

(B) the plan of the Secretary for addressing each of the variables during the plot and field scale testing conducted by the Secretary.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to the Appropriations Committees of both Houses of Congress a report that describes the results of the review conducted under subsection (a).

Mr. COCHRAN. Mr. President, this amendment deals with the review of methyl bromide alternatives research. We have examined the amendment. We think it appropriate for the Senate to include it in this bill, and we recommend that it do so.

Mr. BUMPERS. Mr. President, the amendment has been cleared on this side of the aisle.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

The amendment (No. 3133) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3134

(Purpose: To express the sense of the Senate that the Secretary of Agriculture should take certain actions to provide timely assistance to Texas agricultural producers that are experiencing worsening drought conditions)

Mr. COCHRAN. Mr. President, another amendment we have been able to review and are prepared to recommend approval of is offered by the Senators from Texas, Senator GRAMM and Senator HUTCHISON. On their behalf, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. GRAMM, for himself, and Mrs. HUTCHISON, proposes an amendment numbered 3134.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 67, after line 23, add the following:

SEC. ___. SENSE OF SENATE ON DISASTER ASSISTANCE FOR TEXAS AGRICULTURAL PRODUCERS.

(a) FINDINGS.—The Senate finds that—

(1) the statewide economic impact of the drought on agriculture in the State of Texas could be more than $4,600,000,000 in losses, according to the Agricultural Extension Service of the State;

(2) the direct loss of income to agricultural producers in the State is $1,500,000,000;

(3) the National Weather Service has reported that all 10 climatic regions in the State have received below-average rainfall from March through May of 1998, a critical time in the production of corn, cotton, sorghum, wheat, and forage;

(4) the total losses for cotton producers in the State have already reached an estimated $500,000,000;

(5) nearly half of the rangeland in the State (as of May 31, 1998) was rated as poor or very poor as a result of the lack of rain;

(6) the value of lost hay production in the State will approach an estimated $175,000,000 statewide, leading to an economic impact of $582,000,000;

(7) dryland fruit and vegetable production losses in East Texas have already been estimated at $33,000,000;

(8) the early rains in many parts of the State produced a large quantity of forage that is now extremely dry and a dangerous source of fuel for wildfires; and

(9) the Forest Service of the State has indicated that over half the State is in extreme or high danger of wildfires due to the drought conditions.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of Agriculture should—

(1) streamline the drought declaration process to provide necessary relief to the State of Texas as quickly as is practicable;

(2) ensure that local Farm Service Agency offices in the State are equipped with full-time and emergency personnel in drought-

stricken areas to assist agricultural producers with disaster loan applications;

(3) direct the Forest Service, and request the Federal Emergency Management Agency, to assist the State in prepositioning fire fighting equipment and other appropriate resources in affected counties of the State;

(4) authorize haying and grazing on acreage in the State that is enrolled in the conservation reserve program carried out under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831); and

(5) convene experts within the Department of Agriculture to develop and implement an emergency plan for the State to help prevent wildfires and to overcome the economic impact of the continuing drought by providing assistance from the Department in a rapid and efficient manner for producers that are suffering from drought conditions.

Mr. COCHRAN. Mr. President, this amendment deals with the situation in the State of Texas occasioned by the severe drought that has occurred there. The Senators from Texas are acquainting the Senate with the problems that exist in Texas and making some observations about appropriate actions that could be taken to help relieve the problems.

It is very similar, as a matter of fact, to the sentiment contained in the earlier sense-of-the-Senate resolution. It probably could be included in our overall sense-of-the-Senate resolution on this subject when we get that worked out on both sides of the aisle. I am optimistic that we can do so. But in the meantime, I think it is appropriate for us to go ahead and adopt this amendment. We recommend that it be done.

Mr. BUMPERS. The amendment has been cleared on this side of the aisle, Mr. President.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

The amendment (No. 3134) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, the next item on my list for agreed amendments is one by the Senator from Wisconsin and the Senator from Arkansas dealing with Conservation Farm Options Program funding, if that is ready.

Mr. BUMPERS. Mr. President, it is not quite ready yet. Hopefully, it will be by the time we finish this package of amendments.

AMENDMENT NO. 3135

(Purpose: To amend the Wetlands Reserve Program by exempting thirty year easements from payment limitations; and clarifying the interpretation of "Maximum Extent Practicable" regarding the Wetlands Reserve Program enrollment goal)

Mr. COCHRAN. Mr. President, next I have an amendment by the Senator from Indiana, Senator LUGAR, dealing with the Wetlands Reserve Program. I am prepared to send that to the desk at this time and ask that it be stated on behalf of the Senator from Indiana.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. LUGAR, proposes an amendment numbered 3135.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 67, after line 23, add the following new sections:

"SEC. . Section 1237D(c)(1) of Subchapter C of the Food Security Act of 1985 is amended by inserting after "perpetual" the following "or 30-year."

"SEC. . Section 1237(b)(2) of Subchapter C of the Food Security Act of 1985 is amended by adding the following: (C) For purposes of subparagraph (A), to the maximum extent practicable should be interpreted to mean that acceptance of wetlands reserve program bids may be in proportion to landowner interest expressed in program options."

Mr. LUGAR. Mr. President, I rise today to offer an amendment to improve the effectiveness of the Wetland Reserve Program, or WRP.

The WRP is a program, administered by the Department of Agriculture, or USDA, which purchases easements to restore and protect wetlands. These easements are purchased from landowners on a willing-buyer and willing-seller basis. Under current law, land going into the WRP is enrolled for different time periods based on one of three types of contracts entered into between USDA and the landowner: (1) cost share contracts (which enroll land for ten years), (2) 30 year easements, and (3) permanent easements. Landowners have expressed more interest in longer term easements than in cost share contracts. However, current law requires USDA to enroll an equal proportion of each contract type (hence the so-called ⅓, ⅓, ⅓ rule), regardless of landowner interest. One part of the amendment which I am proposing would permit USDA to deviate from the ⅓, ⅓, ⅓ requirement based on landowner interest. Landowners would retain the ability to choose among permanent, non-permanent and cost-share agreements.

Mr. President, the second part of my amendment would also amend the WRP. Under current law, landowners receive annual payments for land enrolled in the WRP, but, in the case of longer term easements, can elect to receive payments up-front in a lump sum. Annual payments, including those taken in a lump sum, are subject to a $50,000 per person limitation. However, permanent easements are exempt from the limitation. Exempting only permanent easements from the payment limitation tends to discourage landowners from choosing 30 year easements. This amendment solves the inequity by broadening the exemption to include 30 year easements.

My amendment is strongly supported by the Audubon Society, Ducks Unlimited, and other conservation groups. It has been scored at no cost by the Congressional Budget Office (CBO). The amendment makes common-sense improvements to an important program which protects our natural resources. I urge my colleagues to support the amendment.

Mr. COCHRAN. Mr. President, this does involve an effort by the Senator from Indiana to improve the effectiveness of the Wetland Reserve Program. It has been reviewed, and we are prepared to recommend that it be agreed to in this bill.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3135) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3136

(Purpose: To make technical corrections to the Agricultural Research, Extension, and Education Reform Act of 1998)

Mr. COCHRAN. Mr. President, I have another amendment offered by the Senator from Indiana, Mr. LUGAR, and cosponsored by others, dealing with technical corrections to the Agricultural Research, Extension, and Education Reform Act. On behalf of Senator LUGAR, I send that amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] for Mr. LUGAR, for himself, Mr. SANTORUM, Ms. COLLINS, Mr. HARKIN and Mr. LEAHY, proposes an amendment numbered 3136.

Mr. COCHRAN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 67, after line 23, insert the following:

SEC. . TECHNICAL CORRECTIONS TO AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM ACT OF 1998.

(a) FOREST AND RANGELAND RENEWABLE RESOURCES RESEARCH.—Section 3(d)(3) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642(d)(3)) (as amended by section 253(b) of the Agricultural Research, Extension, and Education Reform Act of 1998) is amended by striking "The Secretary" and inserting "At the request of the Governor of the State of Maine, New Hampshire, New York, or Vermont, the Secretary".

(b) HONEY RESEARCH, PROMOTION, AND CONSUMER INFORMATION.—Section 7(e)(2) of the Honey Research, Promotion, and Consumer

Information Act (7 U.S.C. 4606(e)(2)) (as amended by section 605(f)(3) of the Agricultural Research, Extension, and Education Reform Act of 1998) is amended by striking "$0.0075" each place it appears and inserting "$0.01".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the date of enactment of the Agricultural Research, Extension, and Education Reform Act of 1998.

Mr. LUGAR. Mr. President, today I rise to offer an amendment to make a technical correction to recently passed bill. This noncontroversial legislation serves to clarify two provisions of the Agricultural Research, Extension, and Education Reform Act of 1998. Senators SANTORUM, COLLINS, HARKIN and LEAHY are cosponsors of this amendment.

The purpose of the amendment is twofold. First, under the Forest and Rangeland Renewable Resources Research program in the northeastern United States, the amendment adds a requirement that the Governor of the State of Maine, New Hampshire, New York, or Vermont make a request to the Secretary before any research is conducted under that particular program. Second, the assessment rate is amended from $0.0075 to $0.01 under the Honey Research, Promotion, and Consumer Information Act.

Mr. President, both amendments make technical corrections. I hope my colleagues will join me in supporting this legislation.

Mr. COCHRAN. Mr. President, we have reviewed it. We think it ought to be agreed to by the Senate.

Mr. BUMPERS. Mr. President, it has been cleared on this side of the aisle.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3136) was agreed to.

Mr. BUMPERS. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3137

Mr. COCHRAN. Mr. President, another amendment we have been able to clear, I am advised, is offered by the Senator from Virginia, Mr. ROBB. On his behalf, I send his amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. ROBB, proposes an amendment numbered 3137.

Mr. COCHRAN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

After line 23 on page 67, add the following new title:

TITLE VIII

"SEC. 1. SHORT TITLE.

This section may be cited as the 'Agricultural Credit Restoration Act'.

SEC. 2. AMENDMENTS TO THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.

(a) Section 343(a)(12)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(12)(B)) is amended to read as follows:

"(B) EXCEPTIONS.—The term 'debt forgiveness' does not include—

"(i) consolidation, rescheduling, reamortization, or deferral of a loan;

"(ii) 1 debt forgiveness in the form of a restructuring, write-down, or net recovery buy-out which occurred prior to date of enactment and was due to a financial problem of the borrower relating to a natural disaster or a medical condition of the borrower or of a member of the immediate family of the borrower (or, in the case of a borrower that is an entity, a principal owner of the borrower or a member of the immediate family of such an owner); and

"(iii) any restructuring, write-down, or net recovery buy-out provided as a part of a resolution of a discrimination complaint against the Secretary.".

(5) Section 355(c) of such Act (7 U.S.C. 2003(c)(2)) is amended to read as follows:

"(2) RESERVATION AND ALLOCATION.—

"(A) IN GENERAL.—The Secretary shall, to the greatest extent practicable, reserve and allocate the proportion of each State's loan funds made available under subtitle B that is equal to that State's target participation rate for use by the socially disadvantaged farmers or ranchers in that State. The Secretary shall, to the extent practicable distribute the total so derived on a county by county basis according to the number of socially disadvantaged farmers or ranchers in the county.

"(B) REALLOCATION OF UNUSED FUNDS.—The Secretary may pool any funds reserved and allocated under this paragraph with respect to a State that are not used as described in subparagraph (A) in a State in the first 10 months of a fiscal year with the funds similarly not so used in other States, and may reallocate such pooled funds in the discretion of the Secretary for use by socially disadvantaged farmers and ranchers in other States.".

(c) Section 373(b)(1) of such Act (7 U.S.C. 2008h(b)(1)) is amended to read as follows:

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may not make a guarantee a loan under subtitle A or B to a borrower who received debt forgiveness on a loan made or guaranteed under this title unless such forgiveness occurred prior to April 4, 1996".

SEC. 2. REGULATIONS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall promulgate regulations necessary to carry out the amendments made by this Act, without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code; and

(2) the statement of policy of the Secretary of Agriculture relating to notices of proposed rulemaking and public participation in rulemaking that became effective on July 24, 1971 (36 Fed. Reg. 13804).

Mr. COCHRAN. Mr. President, this deals with the Agricultural Credit Restoration Act. It has been cleared on this side. We recommend it be agreed to.

Mr. BUMPERS. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3137) was agreed to.

ORPHAN PRODUCTS RESEARCH GRANT

Mr. DURBIN. Mr. President, I rise today in order to engage the chairman of the Agriculture Appropriations Subcommittee, Senator COCHRAN, in a brief colloquy regarding the "Orphan Products Research Grant" program. I am pleased to note that the bill before us which includes funding for the Food and Drug Administration specifically maintains the current level of funding for the operation and grants that support research on rare conditions and diseases, the so-called "orphan products". While I hasten to point out here, as in many other cases, continued level funding is a reduction in program effectiveness because underlying costs go up which result in fewer grants and less research efforts going into this effort to help what have to be some of the most neglected and medically needy in our society who lack effective therapies.

Beyond the grant funding, I am seeking assurance that the Committee intends that the staffing and support functions of the FDA's orphan program are to be continued at not less than the current level of appropriated dollars and FTE's allocated to this most important mission and function. I understand that the FY98 resources are 17 FTEs and $1.8 million for operation costs for administering the Office for Orphan Products Development. The total funding level is $11.542 million which includes both grants and operation costs. The whole program is relatively small, clearly within the core functions of the agency, and extraordinarily effective and productive. It certainly deserves to have priority on any future increased funds that become available. In the last 15 years, this program has nurtured the development and marketing of more than 170 products, 21 of which have directly benefitted from its grant funding. It could easily get lost in the focus on many of the other big ticket, high visibility responsibilities of the FDA.

Mr. COCHRAN. I thank the Senator from Illinois. As Senator DURBIN knows, the committee has worked hard over the past several years to maintain this very important program. This program may be the only hope for cures for some with extremely rare diseases. It is important that FDA not divert these appropriated funds to other areas, thus undermining this worthwhile program. I thank the Senator from Illinois for bringing this issue to our attention.

FDA

Mr. GREGG. I would just like to commend the Senator from Mississippi for his hard work and dedication on this bill, and would like to thank him

for his particular attention to FDA matters. It is important that the regulatory programs be adequately funded, and of particular importance to me and a number of my colleagues is the important regulatory program for cosmetics in the Office of Cosmetics and Color within the FDA's Center for Food Safety and Applied Nutrition. As the Senator from Mississippi knows too well, the FDA recently announced cutbacks in this program, and I just wanted to thank him for the report language accompanying this bill and its encouragement for restoring this program to previous years levels.

It is my understanding that our colleagues in the House have provided a $2.5 million increase to restore this program to that level, and I would hope that we can work to ensure that the final version of this bill contains that increase.

Mr. COCHRAN. I appreciate the Senator's remarks. We will do everything we can to make sure that the funding for this worthy program is adequately addressed.

TOMATO SPOTTED WILT VIRUS

Mr. CLELAND. Mr. President, I would like to take a moment to discuss a very important issue, specifically my efforts to provide critical research funding for Tomato Spotted Wilt Virus. First, I would like to thank my distinguished colleagues, the Chairman, Senator COCHRAN, and Ranking Member Senator BUMPERS, for their skillful work and superb leadership on this bill. I, like many of my colleagues, find it extremely fortunate to have two gentlemen in these posts who not only provide a valuable resource on matters facing agriculture, but can be depended on to work with Senators with candor and cooperation. As you may know, spotted wilt, caused by the tomato spotted wilt virus (TSWV), has become a serious impediment to effective production of several economically important crops in the Southeast, causing an estimated $100 million in losses to peanuts and vegetable crops annually. The disease is endemic to the Southeast and the wide host range of the virus makes it extremely difficult to control. If you recall, in the letter which I sent to you earlier this year, I requested that $330,000 be appropriated to the College of Agriculture at the University of Georgia for a project titled the Integrated Approach to Mitigate Tomato Spotted Wilt Virus Epidemics in the Southeastern United States. Although funding has not been provided in this bill, I understand that the House version contains $200,000 for this project's research.

Mr. COCHRAN. My colleague from Georgia is correct.

Mr. CLELAND. I thank the Senator. While I would like to see funding for this project included in the Senate bill, I understand the difficulties that my colleagues are facing in trying to accommodate my request at this time and I defer to your advice on this matter and will not offer an amendment to provide the funding. Given that my ultimate goal is to ensure that adequate funding for this important project is obtained, I would truly appreciate my colleagues providing recognition of the seriousness of this problem as well as a commitment to work to obtain this funding in conference.

Mr. BUMPERS. I share the Senator's concern about this matter and recognize the serious nature of this disease. I also believe that it is important that we provide funding for this valuable project, and hopefully we will be able to accommodate the Senator from Georgia's request in conference.

Mr. COCHRAN. I too appreciate the Senator bringing the critical nature of this issue to our attention. When we meet with the House Conferees on this bill, we will give every consideration to provide funding for this project.

Mr. CLELAND. I thank my esteemed colleagues for their assistance on this matter and I feel confident that, with your commitments, this critical funding will be provided. Considering the cost-benefit ratio of this research as well as our desire to maintain the superiority of American food quality and abundance, I believe that such funding is well justified and in the national interest.

Mr. COCHRAN. Mr. President, I yield the floor.

Several Senators addressed the Chair.

AMENDMENT NO. 3127

The PRESIDING OFFICER. The question recurs on amendment 3127.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, again, a parliamentary inquiry. I guess we have before us now the sense-of-the-Senate resolution that was proposed a little while ago by the minority leader, Senator DASCHLE?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. That is the pending matter before the Senate.

Mr. President, I note the presence of my colleagues from the Midwest and the Northern Plains States who are here on the floor. I think we have to really lay out for the American people what is happening in rural America today.

We can close our eyes to it. We can try to ignore what is going on, but the fact is, there is a crisis of immense proportions happening all over rural America.

In our sense-of-the-Senate resolution, we pointed out that net farm income for 1998 is projected to fall to $45.5 billion. That is down 13 percent from 1996. Now, with farm income going down 13 percent—I asked my staff to check and see what Wall Street did last year. The S&P 500 index went up 36 percent last year; farm receipts down 13 percent.

Farm debt for this year is expected to be $172 billion, the highest level since 1985. So what we say in our sense-of-the-Senate resolution is:

. . . emergency action by the President and Congress is necessary to respond to the economic hardships facing agricultural producers and their communities.

Very simple. Very straightforward. It is an emergency situation and requires emergency action.

Mr. President, this chart really says it all, what happened to farm income between 1996 and 1997. Let us see, 32 States had a drop in net farm income—32 out of 50. Now, some of them, you might see, had a big increase. Oklahoma was up 94 percent and Kansas 28 percent and Wyoming 73 percent. That was simply because of the devastating drought they had in 1996, and their wheat crop recovered in 1997, and it looks better. But the prices there—and I will get to that in a moment—are still catastrophic for the wheat farmers all up and down the wheat belt.

But look at the other States: Minnesota, down 38 percent; North Dakota, down 98 percent, a 98-percent drop in farm income in the last year; New York State, 44 percent; Pennsylvania a 32-percent decrease in farm income.

Wall Street is doing great. Standard & Poor's is up—what did I say?—36 percent. Yet the ag economy in New York State went down 44 percent. That is the story across America. That is why we have a crisis.

Look at prices here, and you will find something, Mr. President, very interesting about these charts I am about to show. Here is the farm level corn price. We were coming up here in the early 1990s, and we had a steady increase, a little drop, but kept coming up. Right here is the Freedom to Farm bill, and, bang, down it goes. That is corn. Is that an anomaly? Let's look at wheat prices. We were bouncing around, but we had steady progression up all the time. We enacted Freedom to Farm, and down it comes. Wheat prices have been coming down ever since Freedom to Farm was passed. So that is corn and that is wheat.

Farm-level soybeans. Soybeans were coming up gradually, getting better, and we get here to Freedom to Farm, and down it comes. All of those crops, ever since Freedom to Farm, down they come.

Here is the other interesting thing. We can look at the corn and the wheat and the soybean prices. But let's look at the farm share of what is happening to how much farmers are getting from their products that are sold in grocery stores.

Right now, the farm share of the pork dollar is at the lowest point it has been in over 2 decades—in over 20 years. Iowa hog farmers, and hog farmers around America, are getting the

lowest share of the retail dollar. So if prices have been declining, as I pointed out here for soybeans and for corn and for wheat, how come we haven't seen the price dropping at the grocery stores? Not a bit. Prices continue to go up, and yet the share of that dollar for our farmers keeps going down. That one is pork.

Let's take a look at beef. Here is the retail share of beef, which has been coming down all the time. It keeps coming down. Maybe it is not quite as bad as pork, but it is still pretty bad. So farmers get less and less.

Now, I noted that in the Washington Post this morning there was a story about our plans to do something to help the farm crisis in America. It said here, "While Democrats in both chambers want to help farmers by revamping domestic farm supports, Republicans say aid will come from more aggressive pursuit of exports."

Interesting. We are going to solve it all by exporting more. Well, let's look at two charts here. I heard a lot of talk about getting rid of sanctions. We are all for getting rid of sanctions. Here is a chart that shows how much agriculture is being affected in terms of sanctions and how much it is being affected by the fact that IMF is not being replenished, so they can continue to straighten out the economies in Asia. Trade sanctions reduce U.S. exports by about 1 percent of the total. That is the USDA estimate. Here is IMF-affected trade coming in at about $35 billion because of the lack of funding for IMF. Who is holding up the funding for IMF? The leadership in the House and the leadership in the Senate.

We will hear a lot of talk about sanctions. But if you really want to get at what is affecting our farm exports, it is the lack of funding and replenishment for IMF. But, Mr. President, is it really exports that are going to solve our problem? Here is U.S. exports on this chart going clear back to 1960—what we see here, hitting 1970 and in the 1970s and then the 1980s. We had a dip in 1985 because of the farm crisis, and then up and up and up. Look at the increase in U.S. agricultural exports. It is down a little bit now from its peak a couple years ago, down 7 percent. But it is still a huge increase over what we have had in the past. That is not the total answer to our problems.

Yes, we need to replenish IMF; yes, we need to continue our strong support for exports. But that won't solve the problem. The problem is that we have pulled the safety net out from underneath the farmers in this country when we passed Freedom to Farm a couple of years ago—the so-called "Freedom to Farm." I called it at that time the "freedom to go broke" bill, talking about our family farmers.

Now, some say, well, what we have to do is, we have to get EEP in there and we have to do more to get our exports going overseas. But the fact is, that would put more money in the pockets of the grain traders and importing companies and not the farmers we all represent. Some commodity groups want to spend several hundred million dollars on the Export Enhancement Program and other export programs. But who is it going to help? That money will go right into the pockets of the exporters, the big grain companies, and the importing countries. It is not going to go to the farmers.

I call that the sparrow feeding the horse kind of analogy. If you want to feed the horse, you feed the sparrow. Then the sparrow drops something on the ground; that fertilizes the grass; the grass grows, and the horse eats it. That is a crazy system. If you want to get money to farmers, then what we have to do is, we have to put in some supports and put that safety net back in there.

A 1994 General Accounting Office study found that direct payments to producers increased net income of farmers much more effectively than an equivalent level of indirect support through subsidies granted under the export subsidy program.

GAO. Direct payment of producers gets their net income up more effectively than putting that money into EEP.

Again, a lot of farmers were told that we had to pass this so-called Freedom to Farm because it gave them flexibility. We were all for flexibility. We had that before under the Carter administration. We had the whole farm base at that time. We all wanted to give farmers more flexibility for the whole farm and let them make the decisions. But we wanted to keep a safety net there.

This so-called Freedom to Farm is fine when prices are high, fine when you have the big payments going out to farmers in the initial 1 or 2 years. But when disasters come, as they will in agriculture, as they have since biblical times, when the prices go down, then what happens is, our family farmers are squeezed out.

It almost seems like the so-called Freedom to Farm bill really was designed with only the largest producers in mind. Why do I say that? Because when you get a downturn, when you have low prices, the big, well-financed producers can weather it. They can get through 1 or 2 or 3 years of low prices. But for that smaller family farmer out there, they can't do it. That is why you are now going to see farm bankruptcies again, as high as they were during the 1980s.

Mr. WELLSTONE. Will the Senator yield for one question?

Mr. HARKIN. I am delighted to yield to my colleague from Minnesota.

Mr. WELLSTONE. Mr. President, for the sake of other colleagues, I believe many will support our efforts on the floor this week because they know how important agriculture is. But when the Senator makes the point about what is going to happen to family farmers, as opposed to large conglomerates able to weather this crisis, I wonder if the Senator might want to explain to people who feel strongly about it why, from the point of view of consumers, it is important that the family farmers be able to stay on the land. Maybe some people will hear you talk and they might say, well, OK, so the giants can stay on, they will farm the lands, and what difference does it make to the vast majority of the people in the country? I wonder if the Senator can spell that out.

Mr. HARKIN. I thank my friend, because we hear a lot about that: "Wouldn't it be better to have a few large farmers out there rather than all these family farmers?" There are a lot of ways to answer that question.

First, a strong, healthy rural America is better in terms of the impact of unemployment in our cities, where people from farms are forced off, they come into the cities. It causes more urban congestion and all of the expenses that causes for people who live in our larger cities. You can look at it that way.

Secondly, you can look at it from the standpoint of a stable, safe food supply. Why do I say that? Because it has been my experience that a family farmer who lives on that land, owns that land, and the children are raised there, and they go to the local schools, and they have a stake in their community—they are some of the best stewards we have for our land. So if you want to take care of the land for future generations and you want to protect the soil and the water, it is better to have a family farm system of agriculture than these big corporate conglomerates that maybe just hire someone or rent it out.

It is like in housing. If you want people to take care of their houses, make them homeowners. That is why I have always been in favor of housing subsidies and getting more housing for low-income people. They will take care of it. They have a stake in it. They have equity in it. That is true with our family farmers, too. As long as they own the land and work it and have their families there, they have a stake in it.

Lastly, just from the standpoint of price, if you have more farmers out there producing more beef, pork, poultry, corn, wheat, and beans, you are going to have a more competitive situation out there. As we all know, competition gives you the best price.

I never could understand people who believe in a free enterprise system and who believe in this concept of competition and giving us the best products at the lowest possible price, then supporting policies that do just the opposite in agriculture and squeeze them

out by setting up a few large, vertically integrated entities that have everything from the production of the grain, to the feeding of the livestock, to the slaughtering of the livestock, to the packaging, right to the time it gets to your counter. I can't understand people who think that somehow these kinds of monopolistic prices are going to be the best deal for our consumers. They just aren't. We know it, and we can prove it.

Mr. WELLSTONE. Mr. President, I have one more question for my colleague from Iowa. We have colleagues here on the floor from North Dakota and South Dakota. You talk about the Freedom to Farm bill and the whole question of the price plummeting and the dramatic loss of farm income in a State like Minnesota where we are really hurting. Later on I will get a chance to speak to that. The Senator mentioned that income in North Dakota dropped by 98 percent.

Could my colleague from Iowa explain, A, why the price has plummeted; and, B, when we talk about a fair price, what we are really saying here? Because I think people need to understand how centrally important the price is to this whole question. Would the colleagues from North Dakota and South Dakota also be willing to comment on this?

Mr. HARKIN. I am going to ask that same question of our colleague from North Dakota, because I believe he can answer it better.

I just wanted to point out that last year the average North Dakota wheat farmer suffered a loss of $23,000. My figures show, at least right now, that the income of the North Dakota farmer—I could be corrected by my colleague from North Dakota—this year their income will be, for a family of four, below the poverty level. Their income actually will be below what we have designated as the poverty level in this country.

So I guess the question of the Senator from Minnesota was, What has brought this about? Was that the question? Why has North Dakota, now, I think for 2 consecutive years of low wheat and barley prices—what has brought this about? I ask the same question of my colleague from North Dakota.

Mr. WELLSTONE. The price, and also, why is the price so important to whether or not family farmers will be able to continue to farm, and what is the central importance of that to our statement?

Mr. HARKIN. I would like to ask that question of my colleague from North Dakota and ask him to respond to that question.

Mr. DORGAN. Mr. President, if I might respond to the inquiry of the Senator from Iowa, who has used the floor to describe his sense of the Senate resolution. The problem in North Dakota has been that family farmers lost 98 percent of their income last year as compared to 1996. They planted a crop and they discovered that the crop was devastated by disease. The worst crop disease in this century has hit our part of the country. It has also touched Minnesota, Montana, South Dakota, and some other areas, but none quite as devastating as in North Dakota.

So a farmer plants a crop and hopes it grows. When it grows he hopes it avoids the insects, avoids the drought, avoids too much water, and avoids disease. Unfortunately, our crop didn't, it was devastated by disease. Then the farmer harvests those crops, or what is left of them.

That is not easy. I have been out on harvests plenty of times in my life. It is tough work. The farmer drives his truck into town and pulls it up to the county elevator and unloads that grain. The harvest in that truck box has all of your hopes and dreams for an entire year. That harvest in the truck box determines whether you are going to be able to feed your family, whether you are going to continue farming, and whether you are going to be able to pursue your hopes and dreams on the farm. That is what is in that truck box.

Then they unload that truck, and they put that durum, or the wheat or the barley, into that country grain elevator, and it is weighed, evaluated. And the elevator operator says, "Well, Mr. Farmer, Mrs. Farmer, we have decided that your grain is worth $2.75 a bushel." You didn't get much for it because you had a lot of disease. But what you got is worth $2.75 a bushel. The farmer looks at the price and says, "Well, the problem is it cost me $5 a bushel to raise that grain."

That is in short exactly what has been happening in our State. It has been devastated by disease and low prices.

Think of it this way: Ask any group of families living on any block of this country, any group of businesses on any Main Street of America, for that matter any legislators who are standing visiting in a circle. Ask them about what they would do if they were losing 98 percent of their income. Ask the folks on the block, the folks on Main Street, the legislators, anyone, how would you like to lose 98 percent of your income? Then ask yourself: How am I going to provide for my family? How am I going to meet the future and continue to farm?

That is what has happened to our family farmers. I will read some letters. I will not do it at the moment, but I will read some letters of some farm families in North Dakota who were forced to sell out this year. They say, "Well, we are good farmers. We don't spend money frivolously. We are not going out at night. We work. We work to the bone, and we try. We try hard. And the fact is we are going broke. Yet, everybody else dealing with this grain that we produce is making money."

The people who haul it, the railroads, have record profits. The people who put it in the mill have record profits. The people who make it into breakfast cereal have record profits. Take some wheat, puff it up, call it "Puffed Wheat," put it on the grocery shelf, charge $4 or $5 for it, or put it in bread. The farmer gets less than the heel.

Farm prices have collapsed. Have bread prices come down? I don't think so. Have cereal prices come down? I don't think so. Yet everybody in the process, except the people who grow the food, is making money.

There is one final point I want to make. I was on the floor of the Senate yesterday pointing out that half way around this globe of ours there are people climbing trees for food. Old women are climbing trees in Sudan to forage leaves to eat. They are eating leaves from trees because they are dying of hunger. Over 1 million people are at threat of starvation in Sudan.

The people on this side of the world are told, yes, there are 1 million people facing starvation. They are eating leaves off trees. But the food you raise on the family farms somehow doesn't have worth. It doesn't have value. That is a terrible, terrible disconnection of what we ought to be doing.

So the answer to the question of the Senator from Iowa is that our farmers have been devastated more than in any other State largely because we have been hit harder by disease. But all farmers trying to market wheat at this point are discovering that the price of wheat has collapsed.

Today the price is $2.99 a bushel at one of our local elevators in North Dakota. It was $5.75 just 2 years ago. The price today is what it was decades ago when the price of all the inputs was much, much less. At today's prices, farmers are losing over $2.00 per bushel.

So the question facing us is whether we are going to do something that gives family farmers an opportunity to make a living. Does family farming have value to our society? I believe it is more than just dollars and cents. If you believe as I do that it is important, then the question becomes what is the solution. What kinds of solutions and what menu of choices can we select that will say to family farmers, "You are not alone? When you hit price valleys, we will try to build bridges across those valleys because we want you in our future."

Mr. President, I thank the Senator from Iowa for asking the question. I thank my colleagues for their indulgence so that I could answer.

Mr. HARKIN. I just want to finish a few remarks, and then I will yield the floor.

Is that the desire of the Senator from South Dakota?

Mr. JOHNSON. Mr. President, I have a question that I would like to ask of the Senator from Iowa at some point.

Mr. HARKIN. I yield for a question.

Mr. JOHNSON. I thank the Senator from Iowa for his extraordinary leadership under these very trying circumstances.

One of the points that the Senator was making earlier struck me as particularly important in terms of the long-term future of rural America and the long-term capability of our Nation to feed not only our citizens but also much of the rest of the world. The Senator from Iowa was talking about what kind of structure we would have in rural America if we go particularly down the road of more and more concentration and vertical integration. It struck me that there may be other societies that have gone down that road from whom we can learn a lesson or two.

I am reminded of the agricultural regime in the former Soviet Union and their efforts to turn agricultural workers into paid employees rather than people who have a personal family stake in the outcome of their agricultural enterprise, and what that led to in terms of taking a nation with enormous natural resources, that had historically been one of the bread baskets of the world and what that did to that nation in terms of destroying its infrastructure of small rural communities, what it did ultimately to destroy its ability to produce food shipments for itself and for its neighbors.

I would wonder and question the Senator from Iowa whether he thinks there are some lessons to be learned from other societies that have destroyed family agriculture, then discovered it was a mistake, then discovered that turning family agriculture up by the roots is not so easily replanted and what happens after you have gone down that road, if you decide that you want to reestablish family agriculture after you have ripped it up by the roots in that manner? I wonder if the Senator will comment about the long-term structure that we are headed to if we continue down this road.

Mr. HARKIN. The Senator from South Dakota has put his finger on it. I visited the old Soviet Union on a couple of occasions before it disintegrated, went out and visited some of these big farms, some of the most inefficient, awful operations you have ever seen, and then I visited later just when they were breaking up the large farms. What I heard time and time again was that was probably one of the biggest mistakes they ever made in the Soviet Union—collectivizing the farms. And now in Russia, what they have decided—and I have met on more than one occasion with a couple of their agriculture ministers—is the best thing to do is return the land to the people, give them private ownership of that land and to disburse it as much as possible.

What they have found, lo and behold, is they are getting better products and better production for their people. Right on target. And yet we seem to be going in the other direction. We seem to be doing what the Soviet Union did. Now, it is not State collectivization, but it is monopoly practices. That is the same kind of vertical integration.

Mr. JOHNSON. Will the Senator agree that while the track that we are on may not be as a consequence of a specific plan simply on the part of the Government or anyone else, but that any sector of the economy that is expected to generate profits based on prices that were consistent with 1940, as we are in the grain and livestock sector today, and yet to pay the input costs that reflect 1998 costs will lead ultimately, as certainly as night follows day, to the demise of that enterprise, that family agriculture capitalized in a modest way as it cannot possibly sustain itself with the combination of these tragically low prices and the extraordinary high input prices?

Mr. HARKIN. The Senator knows about what I am about to say because I know he has been through this, and that is what I think a lot of consumers and what a lot of people have to understand about farming in America and about our family farms. Farmers are price takers. In other words, a farmer has a lot of fixed costs over which that farmer has no control—land, seed, fertilizer, chemicals. The farmer who goes down to get his seed can't say, well, my prices went down last year. I will buy that, but I can give you 10 percent less. The farmer has zero bargaining power. He pays the freight. Whatever it is, that is what he has to pay. So the only way for that farmer to make anything is through the price that the farmer receives, price plus his production. Now, if the price is so low, no matter what he produces, he can't produce himself out of the hole.

That is another little anomaly that I have thought about in all my years here and working in agriculture on the agriculture committees. People say, well, if prices drop—see if this doesn't ring true with my friend from South Dakota. A lot of ideologues say, well, if prices drop, farmers will take that signal and they will plant less. But we know what happens when a farmer has a fixed unit of land and he has his fixed machinery and prices drop. They say, how can I get more production out of that unit of land to cover the lower prices? And so what happens is you get a drop in the prices. Farmers plant more because they have a fixed amount of land. They want to squeeze more production out of it.

That has happened time after time after time in American agriculture. Yet some people do not seem to understand that.

So they have to have the price plus production or they are going to go broke, and that is what is happening today. I believe it was attributed to former President Kennedy—I can't be certain about this. But I think former President John Kennedy once said that a farmer is the only man in America who buys at retail, sells at wholesale and pays the freight both ways.

That is very true today. That is why we are having this crisis in America.

Now, again, I am all for farm flexibility and giving farmers the maximum flexibility. But we have to have a safety net in there because it is as true today as it was in biblical times. I guess we just never seem to learn it. I have here a letter that was sent to a number of us from Mr. Dwayne Andreas, chairman of the board of Archer Daniels Midland Company. I found this to be a fascinating letter.

Now, obviously, Andreas heads a large agribusiness that takes the raw food shipments and processes them and makes them into articles that we see sold all over the world. I am sure we have seen his ads on Sunday "Meet The Press," ADM, which is the supermarket to the world. We have all seen that and they do a good job. So here is an individual, the head of a large company that buys the raw products, processes them, turns them into something that is sold in supermarkets in places around the world. Interesting. He sends a letter dated June 18. He said:

> I feel the urge to say something about present farm policy. I could write pages about why support prices are necessary to protect farmers from the excesses of speculators.
>
> It was a bad idea to remove all the support prices from under farm commodities and if left alone it will lead to disaster. The side effect of a drop in farm income affects all U.S. businesses and can be devastating. Only those of us with long-term memory seem to be aware of that. The country shouldn't have to learn it all over again. Although, of course, it is legendary that people in my line of business can benefit from free falling farm prices by buying bargains, I feel that stabilized agriculture is extremely important for America and for the world.
>
> I hope you will work to restore some form of price support to protect farmers from disaster. Subsequent events prove it has to be corrected, not just for the benefit of farmers, but to stabilize the economy of our Nation. People seem to ignore the fact that no genuine free market is left in this world. Governments everywhere manage farm prices and the U.S. will have to follow suit or face disaster.

I find that interesting, coming from the head of perhaps one of the largest manufacturers of agricultural products. As he said, it is legendary that it would be in his best interest to have low farm prices. But I think what we have seen from Andreas is the statement of a statesman and someone who understands what it means for our entire economy and for our Government and, indeed, for hungry people around the world to make sure that our farmers have a decent price. So I applaud

Andreas for making that statement and taking the position he has taken, which probably is in direct conflict with his economic best interests.

Why I remembered that letter is he said those of us with memory long enough. And I have said it time and time again. It started in biblical times with Pharaoh's dream, and he asked Joseph to interpret the dream. And Joseph said what it means is during good times you store up the grain so you have it during bad times, 7 years of plenty and 7 years of famine. Through the ages, governments everywhere have learned and relearned that lesson. And yet for some reason, under the Freedom to Farm, so-called Freedom to Farm bill that we passed here a couple of years ago we said that is all over. Evidently, farmers are going to have high prices from now on. Well, they have short memories, and they probably haven't been reading the Bible either because if they had they would know that this has plagued us for thousands of years.

Mr. JOHNSON. Will the Senator agree that one of the things this institution needs to do is step back and recover its institutional memory, its recognition of why we arrived at the price support system in the first place, going back as long ago as the 1930s and the agricultural stabilization service? There was a recognized need then, generations ago.

Family agriculture, it would seem to me, cannot sustain itself without some stabilizing force. Otherwise, they simply will not be capitalized well enough. They will be driven off the land, just as what was happening at that time, and we need that kind of a presence not to micromanage, not to deny the flexibility that our farmers need to meet the forces in the market, but that they need an opportunity to compete fairly with a more stable kind of environment. We, in fact, are losing sight of that—assuming that the $6 wheat when Freedom to Farm was passed would be here forever, that the $5 corn when Freedom to Farm was passed would be here forever—and we find it out only a few years later, conveniently after the next elections, when prices have declined.

Does the Senator concur that a handful of years of declining transition payments, a pat on the back and a "good luck, buddy," is not a reasoned, long-term strategy for family agriculture and the provision of food in this Nation, and now that there is great urgency, we need to step back and accept that that was misguided? We do not need micromanagement, we do not need bureaucracy-laden policies, but we do need something that will provide the kind of stability that, as long as 60 years ago, was recognized as necessary when, if anything, we are in a more volatile world market situation now than we were then? Does the Senator concur with those observations?

Mr. HARKIN. The Senator is right on the mark again. I said a couple of years ago, when that so-called Freedom to Farm bill passed, it was a triumph of ideology over experience—the experience of thousands of years; the experience we have had in our own country since the 1930s. Yet there was this ideology that said, no, we have to get the Government out of everything; no price supports.

But I submit to my friend from South Dakota that the so-called Freedom to Farm bill probably is working just as it was intended. During high-price years, like we had when the Freedom to Farm passed, it offers large-scale farmers the ability to take advantage of opportunities that they might see in the marketplace. Now, does it help the smaller farmers a little bit? Sure, but only because those payments were high in the first years. As the Senator pointed out, those initial payments are coming down, so the large-scale farmer, better able to weather 1 or 2 or 3 years of low prices, is left to sail on through. The smaller farmer is left to go broke, and that is what Freedom to Farm was intended to do. I swear, the idea was to get fewer farmers out there, to structure it differently.

I am going to yield the floor momentarily, but I have to tell my friend a story that happened to me back in David Stockman's time. We always remember David Stockman first as the head of OMB under President Reagan.

I remember having a meeting with him at that time, talking about farm bills, and they were after agriculture. I used to have debates with David Stockman on the floor of the House on agriculture. He was always for this so-called getting the Government out of agriculture and everything. I remember, he sat at a table one time, and he said to me at the time, I think I was a Congressman then, he said, "Congressman HARKIN, you know as well as I do, if you have two farmers out there and they both have such-and-such land, they both have two tractors, they both have two combines, they both have two barns, they both have two this and that," he said, "you know as well as I do, one farmer could do it all."

I said, "Really? One farmer can do it all? Is that right? How so? How can one farmer?"

"Well, one farmer can buy out the other farmer and get all that machinery and get bigger equipment and hire someone to work for him and get it all done."

I said, "How is that one farmer going to buy out the other farmer? If you have those two farms, what is going to cause one of the farms to go under?"

"Well, recurring low prices."

We talked. I will give him one benefit, he was honest about it. He said, "With these recurring low prices, the little farmer will have to get out. The bigger farmer will buy him up." And his point was it would be more efficient to do it that way, more efficient.

I said, "How do you measure efficiency? How do you measure efficiency? Do you measure it in terms of the local businesses that now will go under in the local community because that farmer has gone out of business? Do you measure it in the local education system, where now kids have to go 30, 40 miles a day to go to school, and they have a hard time getting teachers to teach in these rural areas? Do you measure efficiency in terms of the lost production? If you had two tractors before and you only have one now, what does that mean in Detroit and places like that where people are working in manufacturing?"

So I always challenged him to define efficiency, not just by looking at the individual farm itself, but looking at the community at large; what was more efficient? I had always believed, and I do today believe that the most efficient, in terms of our Nation, in terms of our country, in terms of our consumers—the most efficient form of agriculture is one that is diverse, dispersed, and one that encompasses many family farmers owning their land and working their own land. I have maintained that for the last 25 years and I maintain it today. I think a lot of the problems we are having today have to do with the crisis we had in the 1980s that kicked a lot of farmers off their land, and we are having the same crisis today up in the northern plains area.

As I said, those who want to stick with that so-called Freedom to Farm—I suppose maybe they have the votes. I don't know. But we are going to have some amendments on this floor today and tomorrow, as long as we have to take, on this ag appropriations bill, to get some changes made to put that safety net back under our family farmers and to provide them with the support they need during these tough times. We can do nothing less, not just for them, but for our country.

I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I appreciate the remarks of the Senator from Iowa and the Senators from South Dakota and Minnesota who were here. We have offered a sense-of-the-Senate resolution on the question of the farm crisis and will get a vote on that at some point. The Senator from Iowa indicated other amendments will be offered. Let me just provide a bit more context for some of this.

I know a lot of folks in this country don't live on a farm, have never been on a farm, and don't know much about family farming. Perhaps they wonder why is there so much discussion about family farming. Why does it matter?

I come from a small community of 300 people in southwestern North Dakota, which is where we raise a lot of wheat and livestock. I suppose one can look at those parts of the country where there are not many people who live in the area and say that is not a big population center and it doesn't matter much. But it is where we produce our food, by and large, in this country.

When you get on an airplane and fly across the States at night, you look out the window. I am sure as the Senator from Iowa flies across the State of Iowa, just as I fly across North Dakota, he sees these yard lights out there at night. Take a look at them. See these brilliant little lights from the prairie that sparkle up to your airplane window and understand what is there. Underneath that light is a family out there. They have turned the yard light on, on the family farm. That is where they are trying to make a living. All those yard lights out there on the family farms represent the economic blood vessels that represent the rural lifestyle that allow these small towns to flourish and to live. That is where I grew up.

I am a Jeffersonian Democrat. I believe, as Thomas Jefferson did, that this country will survive as a free country with the kind of political freedoms that our Constitution guarantees us so long as we also have economic freedom. Economic freedom and political freedom go hand in hand. And economic freedom is nurtured and guaranteed by broad-based economic ownership in our country.

Jefferson believed in broad-based economic ownership. Small businesses and family farms dotting the prairies and populating our main streets represent broad-based economic ownership and, ultimately, represent the opportunity within economic freedom.

The country these days has seen an orgy of mergers. Gee, every day you wake up and you pick up the morning paper and somebody else has merged. You see it in almost every industry. Recently, it has been banks. The biggest banks in the country discover they love each other, apparently, and decide they want to get married. We didn't even know they were dating, and all of a sudden the newspaper in the morning tells us they want to get hitched, so they merge and two big banks make a much bigger bank.

Airlines have been doing it as well. Big airlines take a look at the little airlines and they don't like the competition. They say, "We want to buy you up and merge." So they merge. Two big airlines decide they will be better off if they merge, and they merge.

It doesn't matter what industry you look at. We used to have 30 or 40 class 1 railroads in this country. Now we have a handful at best. They all merged.

Some say that would also be good for farming. Let's have them all merge together; we can have farmland farmed; just get the family out of there. That is what some say. They say we can have giant corporate agrifactories producing agricultural products from California to Maine and that we don't need family farmers living out on the farms.

First of all, I think the people who ignore the question of size and mergers in this country do so at their own peril. And I think the people who ignore the question of the health of family farms do so at their own peril as well. Broad-based economic ownership in this country is important, and we ought to be concerned about it. We especially ought to be concerned about it on the family farm.

In addition to hearing about mergers every morning, you turn on the radio going to work and you hear reports on America's economic health. It is always some gray-suited economist who comes from the same university and works for the same entities, in most cases, who tells us how healthy America is, and they tell us in the morning how healthy America is by their latest reports on what we consume.

I actually used to teach economics a couple of years. I don't always admit that. Yet, I have been able to overcome that experience and, nonetheless, go on to lead a decent life. When I taught economics, I was one of those who didn't teach that our economic health in America is dependent on what we consume. No, it is dependent on what we produce. Real economic wealth is represented by what you produce.

The most prodigious producers in our country are family farmers. They are the all-star producers, bar none. Yet, you can take a look at this economy of ours and who is doing well and who isn't. Then you will discover that this economy has decided, for a whole series of reasons, some of which are public policy reasons and others, that the producers on the family farm are somehow expendable; it doesn't matter whether they do well.

I mentioned some while ago that in North Dakota family farmers lost 98 percent of their income in 1 year. I don't know of anyone who can withstand the loss of 98 percent of their income, not in theory, not in practice. When you lose 98 percent of your income, you lose your ability to continue.

I am going to read just a few letters from some North Dakotans, because they say it much better than I can.

A woman named Shirley in North Dakota. Their son is a beginning farmer. Shirley and her husband farm. Their son is a beginning farmer. She said:

My son filled a sprayer with water, then checked the temperature at 4:30 a.m. this morning, June 3, 1998. Last night, freezing temperature records were forecast for all of North Dakota.

They ran into a cold spell.

She said:

My son filled a sprayer with water, then checked the temperature at 4:30 a.m. because it freezes usually just before sunrise. He was prepared to go out and spray the beans with water to prevent them from being killed by frost. He probably already put in a 15- to 18-hour day, but at 4:30 a.m., he was up filling the sprayer with water to try to save his crop.

He does carpentry work all winter to make ends meet. He serves on cooperative boards. He is a volunteer on the emergency medical team that runs two rural ambulances in our community. Last year, two quarter sections of his land were totaled by hail, and Federal crop paid almost nothing. He's been able to pay his $5,294-a-year health insurance bill only by giving up some farm-related necessities, like hail insurance.

She said:

This letter is my personal plea that Congress appreciate the value of family farmers in this country and do something to help stabilize their income.

This is from Edwin from North Dakota. He said:

If things continue as they are now, in 10 to 15 years, you'll find very few family farms. I believe when and if this happens and the farms get big enough, the price of food will go up drastically because the companies that operate these corporate farms will then be able to hold back production until they get what they want to make a profit. I farm a 1,200-acre farm. The original farm was homesteaded by my grandad, so I'm the third generation to be out here on the family farm. I'm 61 years old and have a son who would very much like to take over the farm when I retire, and I would like nothing better. But I have no choice but to tell him that as it is now, it is almost impossible to make a living on this farm anymore.

The Federal Government says they want to keep family farms viable, but the freedom to farm bill is selling them down the river, in my opinion.

Mr. President, a letter from a man named Kelly, a family farmer. He wrote to Secretary Glickman and sent me a copy of it. He said:

You can say that a farm crisis is occurring in a small isolated area and that Mother Nature has caused all of this, but I disagree. First of all, this is not an isolated area. This is a huge area. The population is small because many farms have already been forced out of business. Mother Nature is something farmers are used to dealing with when they have the proper tools to manage the climate wrath that she can behold. But these tools have slowly been taken away from farmers as yield guarantees and crop insurance formulas are getting lower and lower each time a claim is filed. Secondly, farmers' marketing tools—export enhancement and restricted trade with Canada—have been thrown in the junk pile by two successive administrations.

I am not going to continue to read more letters, but I think everyone understands the circumstances. Let me mention, finally, a paragraph from a woman named Kristen who talks about her father:

I spoke to my father and he said if he doesn't have a good year this year, doesn't make it this year, he probably will have to get another job and sell the farm.

She said:

That broke my heart. My father worked so hard all his life to give me and my brother the best upbringing and education. He put me through undergraduate and graduate school. As a child, I remember not seeing him much from April until he started taking me to basketball practice in August. He got up before dawn and returned long after I went to bed. That is what family farming is. The winters were not idle, either. Intricate planning necessary to run a successful farm is done all year-round. The reason my father is struggling is not because he is not a good farmer. He doesn't spend money frivolously. There is an increase in disease ravaging his crops, and the government is cutting back the help to make up for these losses.

Well, Mr. President, you get the point. But the point is more than just that. There is suffering and there is a farm crisis. The point is that somehow this system of ours has decided that everybody else can make money with the farmer's product. Yet the persons who grow it, it is OK if they do not make any money, and it is OK if they go broke.

You raise some crops, as I mentioned a bit ago, on the farm, and ship them through the process. The people who are going to haul that crop are going to make money. We have a railroad through our State that is going to charge them twice as much to haul that grain per carload of wheat, than they would charge on another line where there is competition. From Bismarck to Minneapolis there is no competition, so a farmer is told, "You pay $2,300 a carload to ship your wheat to Minneapolis." Yet, if you put the wheat on a train from Minneapolis to Chicago, which is about the same distance, you pay $1,000. Why do they charge us more than double? Because they can. That is the way the system works.

The people who haul the wheat make money. The people who mill the wheat, the flour mills, are doing just fine. About four firms control about 60 percent of that. They are doing just great, probably making record profits. Grocery interests are doing just fine.

Virtually everywhere you look, the people who turn it into breakfast food and puff it and crisp it and mangle it and shape it and box it and package it and send it to the store shelves and charge $4 for it, they do just fine. What about the person who produces it and takes all the risks and does all the work to produce the food out there in the family farm. They are the ones going broke in record numbers. In my State, they have had so many farm sales this spring they had to call auctioneers out of retirement to handle the sales.

The question for the Congress is whether we are we going to do something that says to the family farmers: "You matter. You are important to this country, and we want to provide something that helps you in a range of areas?"

We ought to help because we have a trade system in this country that, in my judgment, sells out the interests of producers. Our system of trade is not fair. We say to farmers, "We're upset with Cuba; therefore, we won't ship grain to Cuba, and you pay the cost of that lost market. We're upset with Libya; we will not allow you to ship grain to Libya, and you pay the cost, Mr. and Mrs. Farmer, for that lost market."

Ten percent of the wheat market in the world is off limits to our farmers. And farmers are told that is a foreign policy judgment, and we want you to pay the cost of it. That is not fair.

We also negotiate trade agreements with Canada, Mexico, China, Japan, and many others. In every set of circumstances, somehow we end up losing. We send negotiators out and they can lose in a day. I do not understand that. Will Rogers said some 60 years ago, "The United States of America has never lost a war and never won a conference." He surely must have been thinking about our trade negotiators. How can they lose so quickly?

Let s talk about Canada. They negotiated an agreement with Canada which fundamentally sells out the interests of our farmers. Every day, in every way, there is a flood of unfairly subsidized grain coming into this country eating away at the profits of our farmers, diminishing our price.

When we say to the Canadians, "We think you are violating the antidumping laws of this country, and we demand you open your books to our inspectors," they thumb their noses at us and say, "Go fly a kite. You have no ability to determine the trade practices of Canada." This incidentally is happening despite the fact that the trade negotiator who negotiated the trade agreement with Canada promised in writing it would not happen. That promise was not worth the paper it was written on.

I can speak at great length about trade. Why can't we get more wheat into China? Why can't we get more beef into Japan? Why can't we get raw potatoes into Mexico? Why can you drink all the Mexican beer up here you can possibly consume in a lifetime, but try to order an American beer in Mexico. Yes, when I talk about beer, I am talking about barley. But rather than talk at great length about all of those trade problems that confront our farmers and diminish their price, my point is, this isn't their fault.

The Federal Government, through a series of policy initiatives must take some responsibility. First of all, there were bad trade deals that were negotiated poorly, and then not enforced at all. Secondly, there has been a ravaging crop disease which decimates the quantity and quality of a crop. Then third, prices have collapsed following a farm bill that was passed by this Congress. which pulled the rug out from family farmers, and left them without a working safety net.

When Congress passed the farm bill a couple years ago, the price of wheat peaked at $5.75 a bushel. They called it the Freedom to Farm bill. To pull the rug out from under family farmers and say, "We're going to get rid of the price supports for you," would be like saying to the minimum wage folks, "Let's cut the minimum wage to $1 an hour and call it freedom to work." That is what freedom to farm is all about.

Since freedom to farm was passed, the price of wheat has gone straight down. Now it is almost $2 a bushel below what it costs the family farmer to raise wheat or to produce wheat. Family farmers cannot continue with prices below their costs of production.

This Congress has to decide whether it wants family farmers in our country's future or doesn't it? If it does, the question becomes what can and must we do together? What can Republicans and Democrats, conservatives and liberals and moderates do together? What can and must we do together to develop some kind of basic safety net to say to family farmers, "You matter. When prices collapse, and you are confronting monopolies on the upside and monopolies on the downside, or you are confronting unfair trade agreements, or you are confronting sanctions all around the world, or when you are confronting crop disease that is devastating your crops, then this Government cares about that, and the rest of the American people will provide some basic kind of safety net for you."

That is going to be the question that is posed to Members of Congress in the coming couple of weeks: Do family farmers matter? If they do, what can we do together to try to say to these people, "We'll give you some hope for the future. If you don't get a decent price at the marketplace, we'll provide a support mechanism of some type to get you over this price valley."

For decades, this country had decided that when farm prices collapse, we will build a bridge across those price valleys, because family farming matters and we want family farmers to be able to populate this country and retain broad-based economic ownership of the land in America.

That is the question we have to confront in the next couple of days and couple of weeks as we talk about this farm crisis that gets worse by the day and is affecting more and more areas of the country.

It is true that North Dakota is hardest hit. It is true that North Dakota had a 98-percent loss of net farm income for family farmers in our State. That is devastating. But it is also the case that crop disease called scab or fusarium head blight is spreading across this country. And it is also true that collapsed grain prices eventually will

cause the same kind of problems they cause for our farmers in other parts of the United States.

Mr. President, with that, I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I just want to speak for a few moments.

The PRESIDING OFFICER. I advise the Senator that, under the previous agreement, we are to adjourn at 12:30.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to be able to speak for up to 5 minutes on an amendment that has just passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3134

Mrs. HUTCHISON. Mr. President, I want to thank Senator COCHRAN and Senator BUMPERS for helping pass a sense-of-the-Senate resolution about an hour ago that addresses the devastating drought that we have been experiencing in Texas. They did it on behalf of Senator GRAMM and myself. This is a very important sense-of-the Senate, because it directs the Secretary of Agriculture to do everything possible to relieve the drought conditions—not to provide rain, obviously, but to do everything we can to prepare for the relief that is going to be necessary due to the economic losses that Texas farmers and ranchers are facing because of the worst drought that we have seen in my memory in the State of Texas.

In fact, it is now estimated that more than $4.6 billion in losses will result to the agriculture community according to the Texas Agricultural Extension Service. Direct losses of income to agricultural producers is $517 million, which will lead to another $1.2 billion in economic activity for the State.

What we are asking the Secretary to do is to streamline the drought declaration process to provide necessary relief as quickly as possible. The Secretary has released CRP acres in 53 counties for haying and grazing.

It will help to have these acres available for grazing because there is so little grass and few crops able to grow right now. Not only will haying the land provide food for the livestock, but it will take up dry grass so that it will not be a fire hazard.

In addition, we have asked and the President has given us an emergency declaration so that we can start positioning equipment in places where there is imminent danger of wildfires. We are very concerned about this potential because we have had so little rain for such a long period of time.

We have also ensured that the local farm agencies are equipped with full-time and emergency personnel in these drought-stricken areas to assist the producers with the disaster loan application pages. We are doing everything we can to prepare for the disaster that we are seeing unfold before our very eyes in our State right now. In fact, we have had more days of back-to-back temperatures over 100 than at any time in our State's history.

As you know, when you have, day after day after day, of no rain, and over 100-degree temperatures, it does start baking our land pretty quickly. I hope the Secretary of Agriculture will continue to respond to the requests that Senator GRAMM and I are making. As I will continue to do everything to prepare for the farmers who are losing their crops—as we speak right now—to give them the insurance that they need to get through this year economically. I want to thank both Senator COCHRAN and Senator BUMPERS for working with us to expedite this sense-of-the-Senate resolution. I just hope that, in lieu of rain, we will do everything else we can to prepare and give a cushion to the farmers and ranchers of my State that are suffering greatly right now.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Texas for her leadership in bringing to the attention of the Senate the facts about the Texas drought. We have already had news reports on that subject. It is obvious that there are very serious conditions there that need the immediate attention of the Federal Government. Her resolution, cosponsored by Senator GRAMM from Texas, will be very helpful in directing the way for this response to be made.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GREGG).

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

AMENDMENT NO. 3127

Mr. President, I come before the Senate as a Senator from Minnesota, along with other Senators from the Midwest, although I think that we represent the point of view of Senators throughout the country. I come to speak to the sense-of-the-Senate amendment that is before the Senate, although we are going to have much more business to follow.

The concluding paragraph of the sense-of-the-Senate resolution is:

Now, therefore, it is the sense of the Senate that emergency action by the President and Congress is necessary to respond to the economic hardships facing agricultural producers and their communities.

This was laid down by my colleague, Senator DASCHLE from South Dakota, the minority leader.

I ask unanimous consent that I be included as an original cosponsor of his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Senator HARKIN spoke when I was out on the floor earlier, and Senator DORGAN, and Senator JOHNSON. Senator CONRAD may have spoken.

Mr. President, let me talk not so much about what is happening around the country, although most Senators represent States that are being hurt by this crisis in agriculture. Let me instead talk about what has happened in northwest Minnesota and what is happening right now in my State.

In northwest Minnesota, we have been hit by bad weather. Everybody remembers the floods. We have also been affected by scab disease. And now we are facing very low prices with grain crops.

Mr. President, the situation is dire. Wally Sparby, director of our farm service agency in the State, has predicted that we could lose as many as 20 percent of our farmers, that right now one out of every five farm families is in trouble and is struggling. Thanks to the help of Senators, including the Senator from Mississippi, Senator COCHRAN, we were able to get some help to farmers for spring planting season. We were able to get USDA farm credit to farmers at planting time. The problem is whether people are going to continue to be able to farm.

Mr. President, I read from the testimony of Rod Nelson, who is president of the First American Bank in Crookston, which also has offices in the communities of Warren, Fisher, and Shelly in northwest Minnesota. Here is the concluding paragraph:

In our bank in the fall of 1995, we began addressing the reality that things had reached a new level of concern, as many rather than some of our farm customers, were not doing well. Things have only gotten worse since then. This year we conservatively project to have 20 growers quitting or significantly downsizing their operation. We likely have an equal number thinking about doing so or in the process of doing so. It's important to note that to properly phase out of farming it takes good planning and 2, 3 or 4 years. The increased number we are seeing this year will likely be even larger next year. These numbers just represent our banks customers. As you look at the whole of Northwestern Minnesota, the picture would be worse because not all areas have beets which has been the one consistently good crop.

Mr. President, I will just translate all of these statistics in personal terms.

I hope we will take action in this Chamber that will make a difference. I hope it will happen in the House. I don't want it to be symbolic politics. I don't want a partisan debate. I hope it doesn't end up going in that direction, because I will tell you, I have met too many people who are now being driven off their farms. They not only work on the farms; this is where they live. During the mid-1980s, I was a teacher at Carleton College in Northfield, in Rice County, some 491 square miles, population I think about 41,000, and most all of my community organizing was in farm, rural areas. I spoke at so many different farm gatherings, and I knew so many families that were foreclosed on. I saw a lot of broken dreams and a lot of broken lives and a lot of broken families. That is exactly the direction we are going in right now.

Farmers have good years and also some not so good years. Prices go up and prices go down. I am not, I say to my colleagues, going to come out here and rail about the Freedom to Farm bill. Maybe there will be a time to do that. I will say in a very quiet way that I really do believe this has been more for the benefit of corporate agribusiness, and I do think now that prices are falling and the so-called transition payments are dwindling, an awful lot of farmers are in trouble. That is the real point.

We no longer have the safety net we once had. Farmers cannot make it on $2 corn, they can't make it on $3.25 wheat, and that is why at the beginning I said, and I say it again, I think the Freedom to Farm bill has become the "Freedom to Fail" bill.

Now, after having said that, I want my colleague from Mississippi and other colleagues to know that I don't see this particular resolution or the amendments that we are going to bring to the floor over the next day or so as being a debate about the Freedom to Farm bill. I think it was a profound mistake. I voted against it. I will always take that position until proven wrong.

By the way, I said when it was passed that I prayed I was wrong. I would be pleased to be proven wrong. If in fact the Freedom to Farm bill, along with the flexibility for farmers in planting, which I am all for, was to lead to family farmers doing better and the families being better off, I would be all for it.

I guess that was the theory. But now we don't have the safety net we had, and, most important of all, farmers do not have the leverage in the marketplace to get a decent price. That is what I would put my focus on, a fair price for farmers, especially family farmers.

Now, for people who might be watching our debate, I think this is special to me as a Midwesterner, because the family farm structure of agriculture is precious to our part of the country. We all know that the land will be farmed by somebody and somebody will own the animals. The question is whether or not the land is farmed by family farmers. The number of family farmers who live in our communities has a lot to do with who supports our schools, who supports our churches or synagogues, who supports the local businesses in town. This is a life-or-death issue for a very important part of America. This is a life-or-death issue for a part of America that is dear to many Americans.

So first we have the resolution that is before us which asks the Senate to recognize that we have an emergency situation, and we do. This would potentially free up some funds that are needed to provide family farms and families in rural America with some support.

Second, I think the most significant thing we can do is to focus on price. When I think about the discussions I have with farmers—I hope to be in Granite Falls, Minnesota this Saturday with State legislators. Doug Peterson is going to be there; Ted Winter is going to be there; Jim Tunheim from northwest Minnesota has been making the plea over and over: Please do something. Our focus will be to lift the current cap on the market loan rate.

Right now, we have a cap on the loan rate which is $1.89 for a bushel of corn and $2.58 for a bushel of wheat, and this tends to set a floor under prices. But this is simply too low. It is just simply too low. Farmers cannot cash-flow with these kinds of prices. At a Minnesota average price for the year at $2 for corn, it simply is not going to work for family farmers.

What I would like to do in the best of all worlds, is to remove these caps and raise the loan rate to the close to the cost of production—$3 corn and $4 wheat. That is what we should talk about. Instead, what we want to do is to at least take the cap off this loan rate, and then raise the loan rate to 85 percent of the average price for the last 5 years. That would be at about $2.25 a bushel for corn and about $3.22 for a bushel of wheat.

Let me say to my colleagues, if we do that and we also extend the repayment period from 9 months to 15 months—all of it is paid back; this is not a giveaway—then what we will see is farmers getting a better price for their crop.

We have to take the cap off the loan rate. We have to get the price up. There is no way that family farmers can make it otherwise. We can focus on exports. We can focus on all those other issues. That is fine. But the central issue is price, price, price. And right now that loan rate is set at such a low level and farmers have so little bargaining power in the marketplace that they cannot get a fair price.

We also want to make sure that we have some price disclosure and reporting when it comes to what is going on with the livestock markets around the country.

The problem is that there is plenty of competition among the producers, but there is no competition among the buyers of hogs and beef cattle. Therefore what we are talking about is a pilot project that basically puts us on the path toward mandatory price reporting by the packers. I personally would like to see mandatory price reporting done nationally, but I think this is a good step. We ought to know what they are paying.

We have precious little free enterprise in what should be a free-enterprise system. The family farmers are the only competitive unit, and they find themselves squeezed both by the input suppliers and to whom they sell.

Finally, crop insurance just cannot do the job if you face several disaster years in a row. Our amendment would replenish the disaster reserve of the Secretary of Agriculture so we can make payments to farmers who have suffered a disaster and for whom crop insurance hasn't worked. This is the indemnity feature of this piece of legislation.

I say again to my colleagues, we can end up debating Freedom to Farm. I am all for debating it. But there is no way, whether it be what is happening to wheat farmers or what is now going on with corn growers as well, that farmers are going to make it if we don't get the price up. The most important single thing we can do as an emergency measure is to take the cap off the loan rate to get the price up, and, in addition, make sure that we can get some funding out there, some kind of indemnity program that will enable the Secretary of Agriculture, in the spirit of disaster relief, to get some funds out there to these families so that they have a chance.

I want to say to my colleagues, I hope there will be overwhelming support for this resolution. More importantly, I hope that we will have overwhelming support for what is to follow. We want to take a position as a Senate that this is for real. The economy is at peak economic performance, but we are faced with a crisis in many of our rural and agricultural communities. Then what we have to do is pass amendments to this appropriations bill which take some concrete steps that can make all the difference in the world to the people we are trying to represent here.

Those are steps I think we should take. I hope we get strong support for them. My priority is to be out on the floor speaking, debating this, working with colleagues, trying to get as much support as possible. For many family farmers in Minnesota and around the country, time is not neutral. It is not in their favor.

If we are not willing to take some action that can make a difference, they are going to go under. We are going to see too many family farmers driven off the land. We will see more and more concentration of ownership of land. It is not going to be good for agricultural America; it is not going to be good for rural America; it is not going to be good for small businesses; it is not going to be good for small towns; it is not going to be good for the environment; and it is not going to be good for the consumers in this country. This is a crisis of national proportions, and I hope we will take corrective action this week on this bill.

I yield the floor.

Mr. BAUCUS. Mr. President, I rise today on behalf of the American farmer.

Mr. President, Montana's farmers and ranchers have suffered from an extraordinary turn of events that is driving people off the family farm. Low prices, shrinking Asian markets, drought and the adjustments to a new farm bill have left our producers with an inadequate safety net. For many, this is disaster.

First, we have to deal with price. And we have to deal with price today. Our producers can't survive another setback. Montana farmers have already planted the smallest spring wheat crop since 1991—down 17 precent over last year and down 8 percent from what they intended to plant March 1. As I recall, we were talking about low prices as far back as December, And now, in mid-July we are talking about the same issues. We are simply farther down the rocky road. It's high time to act.

I am sure many of you will recall last spring—nearly 6 months ago—when our producers were desperately reaching out for help. So, we brought an amendment to the emergency supplemental appropriations bill that would extend marketing assistance loans. Unfortunately, we faced a brigade of opponents who wanted to push an aggressive trade agenda instead of an emergency price fix.

Now I find it ironic, that despite all of our best efforts, the many hearings held about the "Crisis in Agriculture," and the promotion of the sanctions package as the cure-all for our price dilemma—that we are exactly where we started—at ground zero. We've seen no improvement on price. In fact, we've lost ground: Montana's winter wheat average price decreased 22 cents from April 1998 to now, dropping to $3.06 per bushel.

Beef prices also are lower—down $3.10/cwt. And sheep have dropped by $8.40. And still, we want our producers to believe that we should look for brighter days in the international market—without congressional intervention.

Some would argue that this situation can be blamed on over-production, alone. I wholeheartedly disagree. While it is true that wheat stocks in Montana on June 1 totaled nearly 60 million bushels, up 80 percent from the same quarter last year, but our exports are down considerably. I think we can also make the argument that extending the market loans an additional six months is but a step in resolving the problem.

It is true that we must move our wheat, our beef, and all other "crisis commodities"—and now. We can't view this measure of extending loans and lifting the loan cap to become a last ditch-policy. But as an emergency matter, I would call on my colleagues to consider the ramifications of letting this disaster go another day. And encourage them to lend their support.

That will solve the short-term issue of price. Then, we must address the long term. We did just that by stepping up our efforts on the trade front by passing a bill last week removing GSM ag credits from our sanctions package on India and Pakistan.

Next we need to review those sanctions still pending on nearly 9 percent of the world and re-evaluate whether they are current, necessary and proper. If not, let's remove the sanctions and move our wheat into these markets and help our producers. Food should not be used as a weapon. And our policies should not hurt our hard-working producers.

We should also support the country of origin labeling amendment for our livestock producers. Consumers in America can examine the label on any given product to make an informed shopping decision. But that is not the case with our imported meat. I am a cosponsor of Senator JOHNSON'S efforts to require meat labeling. It makes sense. It costs little. And the benefit extends, not only to producers, but also consumers.

And finally, we cannot ignore the force of Mother Nature. No one can argue that our farmers have been subject to an adverse and often hostile market. But this year marks a series of natural disasters that are beyond our control. Drought still plagues many counties in Montana. In fact, twenty-two percent of our crops are in poor condition because of lack of moisture. That is bad news for our livestock industry, as well. Fifty-nine percent of our pasture—used for forage—is in less than good condition. Clearly, efforts targeted at replenishing the disaster reserve would be hailed as relief for those victims of annual disaster.

And finally, Mr. President. I urge my colleagues to support these measures—not on a partisan basis—but because it is the right thing to do for our producers back home. Our feet—and those of our producers—are being held to the fire. Will we take action—or spout rhetoric? Will we show our constituency that we are here in Washington fighting for them—not amongst ourselves? I would hope we can take the higher ground and send a message to America—we need and support our farmers and ranchers—by lending our support.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that four members of my staff, Catharine Cyr, Jason McNamara, Brandon Young and Sally Molloy, be granted the privilege of the floor for the duration of the consideration of the agriculture appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine.

NEW ENGLAND PLANT, SOIL, AND WATER RESEARCH LABORATORY

Ms. COLLINS. Mr. President, I rise today to thank the Senator from Mississippi, the distinguished chairman of the Agriculture Appropriations Subcommittee, for so generously honoring my request to support the USDA-Agricultural Research Service's New England Plant, Soil, and Water Research Laboratory, which is located at the University of Maine. I am very pleased that the Senate Agriculture Appropriations Subcommittee has recommended that this important agriculture research worksite be kept open, despite the administration's misguided attempt to close the facility and curtail its funding.

I am also happy that the distinguished chairman has agreed to my request to provide a $300,000 increase in the lab's funding to hire new scientists at the Cropping Systems Center to develop production and disease management systems.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I was pleased to be able to grant the request of the distinguished Senator from Maine, the request to ensure that this valuable agricultural research is continued at the Agriculture Research Center's laboratory.

Ms. COLLINS. Mr. President, to continue the colloquy with the distinguished chairman, I again thank him very much for his support. I would like to point out the research conducted at the University of Maine is particularly vital because of the 104 USDA-ARS labs across the country, the laboratory located in Orono, ME, is the only one in New England. The facility is thus able to conduct research on the unique challenges that face our New England farmers.

Specifically, the lab at Orono has conducted research into raised bed techniques that allow potatoes to be grown in the short New England growing season, as well as into disease and pest management.

The potato industry in New England, 95 percent of which is located in northern Maine where I grew up, is suffering through a difficult period. Underpriced

subsidized imports and several consecutive years of disease, drought and pest problems have resulted in a steady decline in the amount of acreage planted in potatoes. The additional $300,000 included in the managers' amendment will allow the lab to hire a new pathologist and microbiologist to help New England farmers to overcome many of the challenges they face. I look forward to working with my colleague to enact this significant legislation and, again, I commend and thank him for acceding to our request in this regard.

Mr. COCHRAN. Mr. President, I am pleased to be able to point out the distinguished Senator from Maine has chaired committee hearings in the Permanent Subcommittee on Investigations on the subject of food safety. It has been a pleasure to participate with her in that effort and to observe the quality of leadership she has brought to that issue.

Her comprehensive investigation on the subject of food safety will greatly assist all of us in the Senate in our efforts to improve the food safety system in this country and ensure legislation on this subject is responsive to the real needs for improvements in the programs that are administered by the Food and Drug Administration and other agencies of the Federal Government.

Ms. COLLINS. I thank the Senator for his very kind comments. It has been a great honor to be able to work with the Senator on the issue of improving the safety of imported fruit and vegetables and all imported food.

As we have learned from the two hearings that we held to date, this is a very complex issue that does not lend itself to a simple solution. It is my hope that continuing to work with the Senator from Mississippi, we will be able to complete our investigation this fall and develop a series of recommendations that will get to the heart of the problem and help to continue to ensure that our food safety is the best in the world.

I thank the chairman for his cooperation and participation in this conversation, and I yield the floor.

Ms. SNOWE. Mr. President, I rise today to thank the distinguished Chairman of the FY99 Subcommittee for Agriculture, Rural Development, FDA and Related Agencies appropriations for honoring the requests of Senator COLLINS and myself for additional funding of $300,000 to fund a scientist and technical support for the New England Plant Soil, Water and Research laboratory at the University of Maine in Orono. I also greatly appreciate the fact that the appropriators have also agreed that the lab, which has been threatened with closure in the President's FY99 budget, should remain open.

This lab, under the capable leadership of Dr. C. Wayne Honeycutt, conducts research to develop and transfer solutions to problems of high national priority in the potato industry and is critical to the State of Maine, its potato growers, and its economy. Ninety five percent of New England's potato acreage is in Maine, and this lab has the benefit of being in close proximity to growers' fields. The additional funding provided by the appropriations will preserve and expand this vital research program and maintain New England's only agricultural research laboratory, and I thank Senator COCHRAN for his attention to our requests.

AMENDMENT NO. 3127

Mr. COCHRAN. Mr. President, the pending amendment is the resolution that was offered by the Democratic leader and others which is a recitation of some of the challenges and problems that face those who are involved in production agriculture throughout America. Several Senators have taken the floor to point out some specifics that back up the suggestion made in this sense-of-the-Senate resolution.

Other Senators have added their comments in the form of other resolutions. We have already adopted on a voice vote a resolution offered by the Senator from Texas dealing with the problems of the drought that is confronting agriculture producers in that State.

We have another amendment that has been brought to my attention that will be offered by the Senator from Florida, maybe both Senators from Florida, on the subject of the problems of agriculture that have been caused by the wildfires and the other disasters that have occurred in that State.

So it is no secret that we have plenty of problems out there. There may be disagreements on exactly how to approach the difficulties. They are not all the same. Some are weather related; some are not. Some have to do with market conditions in various parts of the world. So it is a complex and wide range of problems facing the Senate. We are being put to the test today, to come to some decision on these issues.

I encourage Senators who have comments to make on this subject to come to the floor and express their views. This is a good time to do that. At some point, we will have to either agree to this amendment or consider an amendment to it and move on to other issues.

So any Senators who would like to comment on that at this point, I encourage them to do so.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I rise today to address the agricultural issues that have been presented by my colleagues, the agriculture appropriations bill, and to discuss the current state of agriculture in the country. More particularly, I think it is most pertinent and appropriate to discuss the amendment that has been introduced by the distinguished Democratic leader on behalf of my friend and colleague from Iowa, Senator HARKIN.

It is a sense-of-the-Senate resolution that describes a very serious situation in agriculture today. The resolution was presented to the desk when I had the privilege of being the Presiding Officer. It is a little difficult to read all of it in that there has been some editing there. I am not trying to perjure the editing at all. The distinguished chairman of the Agriculture Appropriations Subcommittee, the Senator from Mississippi, has indicated that if we could work on this a little bit, there should not be any problem in regard to a sense-of-the-Senate resolution that addresses the serious situation we have in agriculture, and more especially, the regional crisis that is now being experienced in the northern plains. So I look forward to a bipartisan sense-of-the-Senate resolution.

I guess we could quibble about the adjectives and adverbs and some of the comments and figures. We are trying to work that out. It should not be a problem, though. We have appropriate language. My staff has worked on it, and I know Senator COCHRAN's staff has worked on it. I know we are going to consult with Senator LUGAR, and many on the other side have worked on this. I think it is appropriate that we draw the attention of the American public to the severe problems that we are experiencing in agriculture, more especially in the northern plains.

Having said that, Mr. President, I don't argue that things are perfect in farm country or in rural America. But I do not believe that the wheels have fallen off and sent agriculture policy crashing into a wall, as some of my colleagues are claiming. There are, indeed, problems in agriculture. I think we are all aware of that. But, again, they are regional problems, it seems to me, caused by weather and crop disease and the "Asian economic flu"—or in some cases it has become the "Asian pneumonia"—but not the 1996 farm bill. They do not represent a national crisis in agriculture. It is very severe for the people involved, but a national crisis? No. Are there real problems in agriculture today because of the lack of a coherent, aggressive export policy? Sure. Are there other problems and other challenges? Yes. But a national crisis? I don't think so. Two years ago, we passed the Federal Agriculture Improvement and Reform Act, dubbed the Freedom to Farm Act. And it represented, I think, the most comprehensive change in agriculture policy since

the New Deal. This new farm bill removed restrictive planting and marketing requirements—and, boy, were they restrictive—that for many years had prevented farmers from planting their crops and using their resources in the most efficient and profit-generating manners. When we wrote the FAIR Act, we had two basic choices. We could continue on a course of micromanaged planting and marketing restrictions that often put our producers at a competitive disadvantage in the world market, or we could pursue a course that would eliminate these restrictions and allow farmers to make their own planting decisions based on domestic and world market demands, while also receiving guaranteed—and I emphasize the word "guaranteed," underscore it—levels of government transition payments.

Let me put it in language that most farmers used when they talked to me when I had the privilege of being the chairman of the House Agriculture Committee in the midst of the farm rewrite. They were a little tired of putting seed in the ground according to USDA dictates. Before this farm bill, the farmer put the seed in the ground as dictated by the USDA to preserve an acreage base. Why? Because the acreage base qualified them for subsidy payments. How much? We would determine that here in Washington. Then, of course, the more we set aside to pay for all of this, they said, OK, put the seed in the ground. You protect your acreage base. But you have to set aside part of your wherewithal on some kind of a supply-demand, command-and-control scheme. That said, we will set aside 10 percent, 20 percent, or 30 percent of your reduction as decided by Washington in order to pay for this. Guess what? Our competitors overseas simply increased their production by more than we set aside, and we lost market share.

Folks, that was a dead-end street. The whole design of the new farm bill was to let farmers make their own decisions in regard to planting and what made sense in terms of price, market, environment, working their ground, or whatever.

As chairman of the House Agriculture Committee, I worked with Chairman LUGAR and members of the Senate Agriculture Committee to pursue this legislation that really would provide our producers with the tools to compete in the world market. But we did not, Mr. President—we did not—veer off aimlessly into the wilderness. Chairman LUGAR and I had held dozens of field hearings throughout the United States. I think we totalled them up in the House Agriculture Committee, and I think we went 30,000 miles—30,000 miles listening to farmers and ranchers in regard to what they wanted. The producers overwhelmingly stated that they wanted flexibility in making their own planting decisions in competing with the world market.

Has the FAIR Act worked? Has the Freedom to Farm bill worked as it was intended? I think the answer is a qualified yes. Is it perfect? No. Is it written in stone? No. Is it an ongoing work in progress? Yes.

Let me refer to the policy ledger that we promised farmers in regard to when we considered this bill. We said, "Look." If we are going to be budget-responsible—this is the policy ledger, 1996. This is what we told farmers in all of the hearings. And most of them bought it. Not all, but most of them bought it. And we said, look, if you have less Federal dollars here in terms of meeting our budget obligations—and let me point out that farmers and ranchers above anyone suffer from inflation and higher interest rates—they wanted a balanced budget. And we said, OK, if we are not going to rely on supply-demand set-asides, we have more reliance on risk management. Boy, that is a tough one because today a lot of farmers are finding unacceptable risk, as I have indicated, more especially in the northern plains. We are going to give you this in connection with the Freedom to Farm legislation.

This was farm policy reform under the bill, a consistent and predictable farm program support, and the only time we have ever passed a farm bill that for 5 or 6 years laid it out for every banker, every financial institution, every farmer on exactly what they were going to get. As one farmer told me one time at the Hutchinson State Fair in Kansas, he said, "Pat, I don't care what you do to me, just let me know." We did for 5 or 6 years.

Planting flexibility: I have gone over that.

The elimination of the set-aside programs, because we were losing market share. We were noncompetitive on the world market.

Improved risk management tools: Have we done that? Well, no. We haven't. We have ample funding, hopefully, in the agriculture research bill that was passed and the crop insurance bill that was passed with the help and leadership of Senator COCHRAN, Senator BUMPERS, and others as well, and some others. It was a tough fight, but we got it past the House, and we got it past the Senate. If we can get it past the House Appropriations Committee, why, that will be a real feather in our cap.

Having said that, we have not really reformed the risk management crop insurance that we need to do.

So, yes, the farm bill is not perfect. We need to do that.

Less paperwork and standing in lines: I will tell you, under the old bill farmers stood in line outside of the old ASCS office. That is an acronym. It is now changed to FSA. That is the Farm Service Agency. And Aunt Harriet was in the agency's office, the Farm Service Agency office. Farmers stood in line, filled out all of the paperwork, and filled out all of the forms. They got plumb tired of it. Under this new farm bill they don't have to do that. Less paperwork, less regulation, and less waiting in line.

Tax policy reform: That is all part of the credit that we promised, a farm savings account. We are going to do that this session of Congress. We should have done it in the farm bill. It should have been done at that particular time. We simply ran out of time.

Capital gains tax cut: We have done some of this. We need to do more.

State tax cut: We have done some of that. We need to do fully deductible health care. We are on the road to accomplishing that.

Income averages: CONRAD-BURNS from this very desk introduced the amendment on income averaging. We should extend it for the life of the farm bill. We need to do that.

The other thing on the ledger that we promised farmers we would work on, No. 3, is trade policy reform. Boy, we have a real challenge ahead of us in this regards.

Fast track negotiating authority: If there is one single thing that has happened in the last year that threw a real clinker into our export sales it was a decision by the Congress—and, yes, by the President—to withdraw fast track. That single item is the most distressing piece of news since the embargo of 1980 that lead to shattered glass in regard to exports, and helped cause the 1980s farm crisis.

I say to you, Mr. President, with all due respect, if we can get a 98-to-0 vote in regard to sanctions reform as we did last week, rethink fast track, please. I think that we could get it done, if you are for it. Be for it. Speaker GINGRICH and Leader LOTT have indicated that we will vote on it with a CBI initiative, with the African Trade Initiative. Let's do it. But that signal that was sent when we withdrew that bill sent tremors through all of our trade policies and with regard to contract sanctity.

End these unilateral sanctions. This Congress, and, yes, this administration, have become sanctimonious in regard to walling off about 75 percent of the world's population, 75 percent of the world's countries. You can't have a market-oriented policy with that.

Consistent aggressive export policy: Well, I don't think we are using all the tools we should.

NAFTA and WTO oversight: Not doing enough.

Value-added emphasis in regard to research funding: We are doing some. We should do more.

Extend MFN for China: Well, you can see on the trade policy reform that we haven't done so well. And that is part of the problem, albeit a passing glance

to my colleagues on the other side. But that is part of the problem that we have.

Regulatory reform; preserve the conservation reserve program. We did that; not the way I wanted to, but we did that to some degree.

Enact FIFRA reform. That is an acronym for you. That is the Federal Insecticide, Fungicide, and Rodenticide Reform Act. That is the food safety reform bill. We enacted reform. The way the EPA is administering it we have real problems. And that is going to be the source of another debate on the floor and in committee as we go down the road. So we need some help there.

Incentive programs for good stewardship; eliminate unfunded mandates. That is the recipe.

We promised farmers in all of the hearings we had. We said, OK, you go to market-oriented agriculture. We rely less on subsidies. These are the things we are going to work on. Have we done them all? No. Should we do them all? Yes. And it should be a bipartisan effort.

But, if we do this, then obviously, by the way, the Freedom to Farm bill will work, and is working to a certain degree.

We have heard a lot of statements that the Freedom to Farm bill has failed, and that we "pulled the rug out from underneath our producers." My colleagues, this is not true. The facts are not there. The 1996 and 1997 farm bill provided a combined $11.5 billion in payments to America's farmers. Under the old program farmers would have only received a combined $3.6 billion in payments.

If we have increased the payments to farmers in this transition three times as high as in the old farm bill, how on Earth can you say that the current farm bill is the source of our problem?

Let's just put it in simple terms. If we provide more money to farmers, three times as much, that is a problem in regards to price with our export demand? Hello.

Mr. President, we have also heard that there is no longer a safety net for America's farmers, and advocates of this position argue that we must extend marketing loans and remove the caps on loan rates. And based on recent figures, it is estimated the loan rate for wheat would rise to $3.17 a bushel from its current level of $2.58. We could use corn and soybeans and other program crops, but wheat is going through a difficult time. It is a good example, so I am going to use wheat. But if you add in the transition payments—nobody over there on that side of the aisle has even mentioned a transition payment—the 63 that a farmer is getting per bushel right now—as I say, three times as much as they would have received under the old farm bill. That doesn't exist for my friends across the aisle. It is invisible. But it is not invisible to the farmer. When you add in the transition payments of 63 cents per bushel on the historical base farmers are receiving for wheat, you now have a safety net of $3.21. Why should we approve amendments that will bust the budget at a cost of nearly $4 billion over 5 years, Mr. President, when they provide a lower safety net than the current program?

No, I know the answer. They say we want both; we want the whole loaf. As a matter of fact, if we are going to consider any kind of a payment, it seems to me it ought to be added to the transition payment so farmers could make the decision, not some kind of a marketing loan or a loan program where, again, Washington makes the decision.

So raising and extending loan rates, I do not think, in the end result will improve prices and the producer's income. As a matter of fact, extending the loan rate actually results in lower prices in the long run. Extending the loan for 6 months simply gives producers another false hope for holding on to the remainder of last year's crop. Farmers will be holding on to a portion of the 1997 crop while at the same time harvesting another bumper crop in 1998. Thus, when you roll over the loan rate, it actually increases the amount of wheat on the market and results in lower prices, not higher prices. Since the excess stocks will continue to depress prices, we will then extend the rate again.

Once you go down that road, it is going to be very difficult not to extend it again. And I think it would become an endless cycle that would cost billions of dollars and which will eventually lead to a return of planting requirements to pay for it. You can't simply stand up and say we are going to spend $4 billion on an emergency because you have a regional farm crisis on the northern plains and not expect some people around here to say where is the offset. The offset would be in set-aside acres and you are right back to square one with the same old farm bill that caused all the problems to begin with. That would be an attempt to control the output and limit the budgetary effects.

I suppose we could find some offsets. Where is that article by Jim Suber? Jim Suber is an ag writer for the Topeka Daily Capital. He knows what he is talking about, if we want to find offsets and pay for this and do it the right way, not add to the budget deficit, not add to the possibility of inflation, higher interest rates. Jim says USDA is spending, or will spend $37.9 billion on social welfare programs. I am not perjuring that. They are very good programs. But it plans only to spend $5.9 billion in commodity programs.

So here we have the Department of Agriculture, according to Jim, spending 7 to 1 more money in regard to social welfare programs and other very fine programs as opposed to assistance to farmers.

Well, if we want to get offsets, I can certainly go down that list, but I don't think that is a popular thing to do, and I don't think I am going to do that.

Extending and raising loan rates will only serve, I think, to exacerbate the lack of storage associated with the transportation problems in middle America because it simply causes farmers to hold on to their crops and to fill their elevator storage spaces.

Now, in Kansas we have just harvested our second largest wheat crop in history. Perhaps not in Oklahoma and Texas, where they have had bad weather, but in Kansas that is certainly the case. There are predictions of record corn and soybeans in the fall in Kansas. If we don't move the wheat crop now, it will create transportation problems in the future that will surpass anything we experienced last year. And we had mounds of grain sitting by the local country elevator with no rail transportation.

I think I should also mention that advocates of higher extended loan rates argue it will allow farmers to hold their crops until after the harvest when prices will rise. After all, that is the whole intent, or that is the whole plan in regard to the higher loan rate. I would point out that Kansas State University recently published a report which looked at the years of 1981 to 1997, and they compared the farmer's earnings if they held wheat in storage until mid-November as opposed to selling at harvest. In all but 5 years, why, farmers ended up with a net loss as storage and interest costs exceeded the gains in price. Simply put, extending and raising the rates, I think, would provide a false hope for higher profits that most often does not exist.

Really, what we are talking about here, Mr. President—and it gets a little detailed here, but we are talking about what is the function of the loan rate in any farm program. Is the loan rate a market clearing device or is it income protection. And my friends across the aisle obviously want to make it both. I don't think you can have it both ways, but they want to make it income protection as opposed to the transition payments.

In addition, if you raise the loan rate up to $3.17, and you have a fire sale on wheat, you have a bumper crop and you have China, which is the world's No. 1 wheat producer, and you had the European Union, which is the world's No. 2 wheat producer, and a surplus of grain on the world market, what do you think is going to happen to the price? It will fall, and we will never have wheat over the price of $3.17.

So what my distinguished colleagues across the aisle fail to point out is if you put that cap on the loan rate at $3.17, you may get the $3.17 plus the transition payment if you can somehow squirrel that by the Senate and the House with all the budget problems, but you put a cap on it and you

will never see $4 and $5 wheat. As a matter of fact, that is what some of my colleagues across the aisle say they have to have to stay in business.

One of the most effective measures of the success of the Freedom to Farm Act is to review the planting changes that have occurred all throughout the country since its passage. When that bill was passed, the opponents argued that farmers did not have the capability to rotate and grow various different crops, that this would be a negative. And we have heard that rhetoric here in this debate. We have heard it now for, what, 2, 3, 4, 5 weeks with the appropriate charts. Here are the facts.

In the northern plains, where many farmers are suffering from a devastating disease called white scab, farmers have rotated out of wheat acreage. They have switched to higher value crops. Recent USDA reports state that spring wheat acreage has fallen nearly a quarter from last year. We have in effect had a wheat set-aside to reduce the supply, but the farmer made that decision and went to more productive crops all across this country.

A comparison of the Farm Service Agency figures from 1993 and 1997 in North Dakota shows that during the 4 years soybean acreage increased from 591,000 acres to 1,090,000. Canola, which should be the crop of preference now in terms of profit in that State, went from 47,000 acres to 456,000 acres; dried pea acreage rose from 6,711 to 67,000 acres; navy beans went from virtually no acreage to 151,000—dramatic changes in crop production made by the decision of the individual producer.

Minnesota: The Minnesota Agriculture Statistics Service reported record soybeans and sugar beet acreage in 1997 with soybeans breaking the previous record by 850,000 acres. South Dakota's harvested soybean acres were 3.4 million—million—in 1997, 780,000 above the previous record set in 1996. Sorghum production was also up 42 percent from 1996.

I think it is important to know that these changes are not only occurring in the northern plains, but throughout the entire United States by farmers, under the flexibility under Freedom to Farm. Alabama cotton on acreage fell by 74,000 acres in 1997; soybean acreage increased by 70,000. They are following the market. A February paper by the Agriculture and Food Policy Institute at Texas A&M reported that cotton acreage declined in 1997 from the 1994–1996 average in Louisiana, in Mississippi, and in Arkansas by 34, 23, and 9 percent, respectively.

Here cotton farmers take a look at the market saying, "I think I can make a better deal; I can make a better profit in another crop." That is the flexibility that was provided in regard to Freedom to Farm.

Same report: Cotton acreage in Oklahoma decreased 42 percent from a 3-year average while sorghum acres increased 31 percent. And harvested wheat acreage in Kansas—we have a little saying on the Kansas license plate that says, "The Wheat State." Well, we are not. We are now the grain State—in 1998 was at its lowest level in nearly 25 years. Meanwhile, we have now planted some 20,000 to 25,000 acres of cotton in Kansas because it is productive. It is a profit incentive. As a matter of fact, the weather is a little cold up in Kansas as compared with down south, and the insects can't bite quite as hard on the cotton. If we can survive the winters, which we are doing, why, Kansas is now a cotton-producing State. You would never have dreamed that under the old farm bill.

These farmers who made these decisions and changes in American agriculture have exceeded expectations in 1996. During a recent meeting with 12 major farm organizations—what we call the summit, which we had here about 2 weeks ago—a Mississippi farmer representing the cotton growers summed it up best when he said, "I have been farming for 40 years and farming has changed more in the last 4 years than it did in the previous 40." That was a positive, not a negative. Farmers have switched to higher value crops because it makes economic sense.

The plain and simple and sometimes painful—let me emphasize that—sometimes painful truth is that all U.S. producers are no longer the most efficient producers of a crop, more especially wheat, in the world. That is hard news to tell to somebody who is going through a very difficult time, but in fact our producers are no longer the No. 1 producer of wheat. When my staff, my able staff, answers the phone from worried and concerned farmers from Kansas, one of the things that I instruct him to say is: Wake up a little bit. We are no longer the No. 1 wheat producer—I am talking about the United States—that's China. We are no longer No. 2; that's the European Union.

So, consequently, I think we have to look at what we can grow and be competitive with in regards to the global marketplace. I think that is a fact. Some people, however, refuse to accept that fact. But we have a competitive advantage in the feedgrains and oil seeds, and these are the exact crops that producers have shifted to under the Freedom to Farm bill.

Let me again clearly state, I am not standing here saying there are no problems in farm country—we have them—or that I would not like to see higher prices for our producers. Would I like to see the $5 wheat of 2 years ago? You bet. I would like to see $6 wheat. I can give a pretty good speech about old parity. Parity meant justice. Parity for wheat today is, what, $12, $13, as compared to what all the costs were back when the parity formula was first considered, way back in I think it was 1912.

So, to be fair, our producers ought to get $12 wheat. I can say that, but I also know that when wheat production—not acreage but production—is 60-bushel wheat in my State, which is more than double the level of 1996, we are not going to see any $5 wheat. And when you add in the European Union and you add in China, that is simply not going to happen.

As hard as it may be for some to believe—and I want every farmer and everyone listening, in terms of agricultural program policy, to pay attention—our Kansas farmers and other farmers, if they are blessed by good weather and good ideas, will make more in 1998 than they did in 1996. In 1996, 20 bushels an acre was a common yield for many Kansas farmers. At $5 a bushel, why, farmers had gross incomes of $100 per acre. Yesterday, wheat closed at $2.55 in Dodge City, KS, America. On Friday, we received estimates that the 1998 Kansas wheat crop will likely average at a State return of around 50 bushels per acre at $2.55 a bushel, a price I think is way too low. However, this figures up to a gross of $125 per acre.

In 18 years, serving as a Representative and Senator, I have yet to meet a farmer who would not choose the $125 per acre over the $100 per acre. Obviously, it would be better if the price were higher.

I know that current prices are not good. However, high yields are allowing farmers to continue to receive an income. The facts simply do not represent a crisis all throughout American agriculture. Yes, there are very severe problems in the northern plains. Yes, we must do something about it. But farmers in this area of the country have had to face a triple whammy, as evidenced so clear, and appropriately clear, by their Senators from those States. It is a triple whammy of floods and blizzards and crop disease. These are regional problems. They are factors that would have occurred regardless of the farm bill, regardless of what agriculture policy we had in place. You simply cannot argue that these factors are evidence we need to rewrite the farm bill.

Let me try to demonstrate how sincerely I feel about the demonstration of intent on the part of the distinguished Democratic leader and Senators DORGAN and CONRAD and WELLSTONE and DURBIN and others who have pointed out the seriousness of the situation in the northern plains. And I know that.

But let me quote in regard to the farm management specialist from North Dakota State University and their extension service. His name is Dwight Aakre. He says:

Farmers in northeast North Dakota have only about a 50/50 chance of paying out-of-

pocket costs if they raise durum or barley or flax in dry beans this year.

Boy, that is tough. They do have a problem, a very serious problem. He also says—this is Dwight again:

Current expectations for harvest time prices keep dropping while the cost of production, the cost of operations, do not.

And he said:

We are now approaching price levels where the best farming strategy is how to consider your losses and to go forward from that.

And then he says:

Ouch, it is this the combo of anemic wheat prices and wet weather that has created what Senator Kent Conrad aptly calls the stealth disaster for his State in that region? As for this individual—

Again—I am referring to Dwight Aakre—he calculates:

It's a pretty tough time to get enough income to pay out-of-pocket costs.

And he says:

It's likely too late to drop any rental land for 1998.

So you can understand why my colleagues are on the floor calling for action. I know that.

Then he said, in regard to the farm bill, however:

Contrary to popular thought—

And this is Andrew Swensen, the Farm Management Specialist for North Dakota State University Extension Service. He said:

What caused our problems last year with wheat and barley yields of poor size and quality and lower prices and high cost of production [he says] is the effects of this last factor especially have been underestimated by many. Don't blame Freedom to Farm.

That isn't Pat Roberts, that is Andrew Swensen, from North Dakota:

Contrary to popular thought, [says Swensen] the new Freedom to Farm Program was not responsible for 1997 woes. In fact, he says the market transition payments it provided were greater than what would have been provided under the old farm program.

It is difficult to avoid blaming this whole situation on the weather, the Government, and prices, [says Swensen] but it is more productive to be realistic and analyze things that can be controlled internally in your own business.

I think that is certainly true.

So I don't doubt or disregard the pain many producers are feeling in the northern plains. However, I do point out that many of my farmers do have at least some questions, and I guess if you are going through a situation where you are drowning in a sea of troubles financially, you can drown in 6 inches of water or 6 feet. But we have heard that this is a disaster that has continued for 5 or 6 consecutive years. Every one of my colleagues over there has indicated that.

Kansas is known as a wheat State, yet both in 1995 and 1996, why, North Dakota led the Nation in the production of wheat. In 1996, North Dakota was first in the production of eight crops, second in two, third in one, fourth in two. In 1997, why, North Dakota had the following national production rankings: First in spring wheat, durum, barley, sunflower, dry edible beans, and canola and flax seed; second, all wheat, oats and honey; third, sugar beets.

There is very real pain being faced by the producers in North Dakota, South Dakota, Minnesota, some parts of Montana. If, in fact, for 6 years it has been a crop disaster, if you are going to lead the Nation in production in these crops, that is a disaster that most farmers in my State would be happy to experience.

I would also ask what good raising the loan rate will do if producers have no crop to sell; if, in fact, this is that serious. It is important to note that many farmers did indeed suffer production losses during the blizzards and the floods experienced in the northern plains last year, a real tragedy. However, under the old program, why, producers would have received little or no Government support. Yet, under the Freedom to Farm Act, farmers in North Dakota received $244 million in transition payments in 1997. Talk about indemnity payments. Not only did farmers receive the Government support they would not have received under the previous program, they were also allowed to go into the fields and plant substitute crops in place of the lost acres.

They could not have done that without the current farm bill. We have heard many statements on this floor about how the Government payments have been yanked away from producers in North Dakota, South Dakota and Minnesota. I point out the average payments in 1996 and 1997 for all three States exceeded the average level of Government payments in each State during 1991 through 1995. So if you have a bill that is providing more average payments to those three States, all three States exceeding the level of Government payments in each State during 1991 to 1995, where were my colleagues from 1991 to 1995? And what has changed? And what has changed is the export demand and unfair trading practices from Canada and the wheat disease and the weather—we have gone all over that—but it sure isn't the farm bill.

We have been told this is the worst crisis in farm country since the crisis of the eighties. Yet, let me point out in other sections of the country—not the northern plains—tractor purchases were up 15 percent in June over levels of a year ago, while self-propelled combine sales are 40 percent above year-ago levels.

I don't think the arguments we are hearing on the floor—they are certainly true in the northern plains—but I don't think they mirror what we are hearing from producers all across the country. Mr. President, I like to think that no one has spent more time on the wagon tongue listening to America's farmers than I have, and I must tell you from my recent visits with producers, they are not happy. They are worried about current prices. They are worried about the export market. But they realize in many instances why high yields have allowed them to meet or even surpass their income expectations. The greatest majority do not want to return to higher loan rates and loan extensions. They fear, and rightly so, that this would simply be the first step toward return to the narrow-focused, anticompetitive, micromanaged Government programs of the past.

Farmers tell me the 1996 farm bill is working if we can get our export demand back up to the levels that they used to be. They are changing their planting decisions. They are growing the crops that allow them to earn the most profits. They are happy with this flexibility. They want to see it continue.

What my farmers and ranchers are telling me is that they are extremely concerned with the seemingly lack of trade and foreign policy focus in Washington. Our farmers and ranchers realize the United States must export nearly 40 percent of our agriculture products to overseas customers. Unfortunately, this is very difficult to do when Congress and the President become what I call "sanctions happy" and place sanctions on approximately, as I have indicated before, 75 countries, 70 percent of the world's population.

U.S. Wheat Associates recently published several depressing facts in regard to U.S. trade policies. In the last 10 years, the embargo on Cuba has cost wheat producers at least $500 million in lost wheat sales. Iran, Libya, North Korea did represent 7 percent of the world's wheat market. The United States will not trade with these countries. Add on the embargo of Iraq and our producers are shut off from 11 percent of the world wheat market.

I am not saying those sanctions should be immediately lifted. There are national security implications, obviously. The United States has imposed sanctions 100 times since World War II. Sixty of these have been imposed since 1993.

Mr. President, as Hubert Humphrey once said, "We need to sell them anything that can't shoot back," and we are shooting ourself in the foot by not allowing our producers to sell to the other countries of the world. We must also give our trade negotiators the tools they need to open up foreign markets to U.S. products. You can't go to the trade gunfight with a butter knife. That was a statement by the president of the Oregon Wheat Producers, and he is certainly accurate. That is what we continually ask our negotiators to do. Other countries will not negotiate the trade agreements with the United

States because our negotiators do not have fast-track trade negotiating authority.

President Clinton has blamed inaction in the trade arena since last November on the Congress' failure to pass fast track. Now, Congress is not blameless. I have never seen a Congress more insular, more protectionist, and more ideological in regard to trade, and I am not happy with every member of my party on the Republican side who seem to think we can impose sanctions or not pass MFN or not pass the IMF or not go ahead with fast track. I understand their concerns. But in terms of doing great damage to the agriculture sector and other sectors of the economy, we are not blameless either—an editorial in behalf of the party with which I am associated.

However, our majority leader and the Speaker of the House are now pledging a vote on fast track in the Caribbean initiative and the African trade bill before the end of the 105th Congress. However, the President indicates he is not quite sure whether this is the time to pass fast track. Mr. President, our farmers and ranchers respectfully disagree.

I understand that some of my colleagues have stated that trade is really not that much of the problem. I point out that approximately 1 month ago, 14 Senators met with 12 major agriculture groups and organizations to discuss the priorities these groups felt were absolutely necessary for Congress to pass this year.

Rather than parroting a particular point of view or ideology or being locked into your criticism of the current farm bill of 2 years ago, what we did on the Republican side is to respond to the letter sent to all of the leadership in the Congress by the American Farm Bureau Federation, the American Soybean Association, the National Association of Wheat Growers, the National Barley Growers Association, the National Cattlemen's Beef Association, the National Corn Growers Association—there are about six left—National Cotton Council of America—I have their tie on in support of Senator COCHRAN in this debate—National Grange, National Grange Sorghum Producers Association, National Oil Seed Processors Association, National Pork Producers, National Sunflower Association.

A letter by all of these groups was sent to the President, Secretary of State, Trade Representative, Secretary of Agriculture, members of the House Committee on Ag, members of the House Committee on Ways and Means. I guess the only one they didn't send it to is Larry King.

They listed all of the things that they felt—farmers felt—that we needed to do in this session of the Congress to turn this thing around. I can go down the list: fast track, $18 billion IMF, reform of U.S. sanctions, administration should commit to seek agreement to end unfair trade practices in the next trade negotiation round, foreign market development, market access program, GSM program—trade, trade, trade, and trade.

Something has to be wrong here. Either the farmers and ranchers or the members of these organizations who hold meetings in counties and States and pass resolutions—the tail doesn't wag the dog; they get this information from farmers and ranchers—and either they are right or my colleagues who argue trade is not the problem at all or vice versa. I think I am going to go with the farm organizations.

I realize that some will argue that trade agreements, such as NAFTA, have sold out our farmers. I agree. We have not had the appropriate oversight in regard to NAFTA or, for that matter, GATT or, for that matter, preparation of the next round of trade talks.

However, let me point out that the USDA Under Secretary Gus Schumacher, who is doing all he can in regard to our export markets under very difficult circumstances, recently said in a speech in Minnesota that the United States would send a record number of exports to both Mexico and Canada in 1998. That is not a failed trade policy; it means simply we have regional problems where we could do a lot better.

Critics have stated on the Senate floor that one day we will wake up and discover that we are no longer the leader in agriculture exports, just like we lost the automotive market. Pay attention to this argument. It is interesting to note that many of the pitfalls suffered by the U.S. auto industry in the 1970s and early 1980s were based on its unwillingness to adapt to the desires of consumers the world over. Could there be a similar effect resulting from some Members' seeming unwillingness to allow producers to change their production practices to meet the demands of the world market?

Finally, Mr. President, not only do Republicans believe that we need to improve trade opportunities for our producers through fast track and sanctions reform and IMF funding and normal trade relations with China, we must also provide viable forms of risk management for our producers. One of the most important steps we can take in this area is passage of the farm savings account legislation.

The primary sponsor in the Senate is Senator GRASSLEY. The young Member of Congress who really authored this bill is KENNY HULSHOF, who is from Missouri. We tried to do it in the farm bill considerations in 1996. It would allow farmers to place up to 20 percent of their Schedule F income tax into a tax-deferred account for a period of up to 5 years. This would allow farmers to average out the income highs and lows better that are common in agriculture and allow farmers to save money for those years when incomes are lower due to a reduced crop yield.

I recently joined with many other Senators in signing a letter to our majority leader reconfirming our support of the farm savings account legislation. This is one of the most important risk-management tools, Mr. President, we can provide our producers. I think we are going to pass it this year.

As I have said in my earlier remarks, things are far from perfect in farm country, but we are far from a national crisis. It is not time to reinvent the wheel. We are at another one of those historical crossroads in agriculture policy. I am sorry the situation has developed on our export demand—that it is so severe. We can choose to return to the failed policies of the past and put our farmers and producers at a competitive disadvantage on the world market at the same time our dependence on world markets continues to increase. Or, we can take the necessary steps to provide our producers and our trade negotiators with the tools necessary to open foreign markets and meet the demands of the world market.

My colleagues are correct, the choices we make here today, and in the next few months, may very well affect the future of agriculture in the United States. My hope is that we continue to look with our producers toward the future and not into the rearview mirror and the broken policies of the past.

I want to make some very brief additional comments in regard to the fact that this is an even-numbered year.

At the beginning of this debate, this discussion that is most relevant to the difficulty we face in farm country, a number of my friends across the aisle have gone out of their way to mention me personally—I think I appreciate that—and very candidly, very frankly, blame most, if not all, of agriculture's problems on what is called the Freedom to Farm bill.

I know and I realize and accept that it is an even-numbered year. And when there are strong differences of opinion in even-numbered years, the chances for just a tad bit of politics to enter into the debate are pretty good. In this case, a tad has become a deluge.

I truly appreciated the kind remarks of the distinguished Democratic leader in reference to our friendship, even my alleged sense of humor. In that regard, I take the job and my responsibility very seriously, but not myself. But after listening to my colleagues go on and on and on, blaming all our problems on the new farm bill, I think you have to have a sense of humor.

The northern plains have experienced very bad weather. It is very real. You would think that Freedom to Farm was El Nino. The northern plains have experienced wheat disease for 6 years

running. You would think the disease came from the Freedom to Farm bill.

By the way, I am at least gratified that after 6 years of wheat disease, my colleagues have now requested the targeted research funds to address this problem. And we should do that.

The Asian flu and sanctions and the lack of an aggressive and coherent trade policy are—or as the farm organizations simply put it to me yesterday, the failure of the administration and the Congress to use all of our export tools has played havoc in our markets.

My colleagues mention that with the wave of a hand—so much for supply and demand—must be the fault of the Freedom to Farm bill. The seven or so distinguished Senators who have been railing against and blaming the farm bill are the same seven who bitterly opposed it during the farm bill debate 2 years ago, voted against it, and recommended that the President veto it. He did not. It is an understatement to say they have not given up and will not.

If the good Lord is not willing and the creeks do not rise or if the creeks rise too much, blame the farm bill.

Can we end this partisan book-shelving of Freedom to Farm? I know it is not perfect. It is a work in progress. No bill is perfect. But I think it is a foundation. Can we build upon what is a good foundation? Can we seriously consider proposals that do not break the budget, or return us to the old command-and-control and residual-supply agricultural days? Can we shoot straight, Mr. President, with producers who are experiencing serious problems, and quit promising more than can be delivered, or should be delivered?

Let us fix crop insurance. Let us get cracking on an aggressive export policy free of sanctions. Let us finish the job with tax policy changes and regulatory reform. Let us commit to appropriate research to fight the plant disease. And let us pass this week—this week, if we could; next week—the farm savings account, and, yes, let us consider some form of payment.

The distinguished chairman of the subcommittee on Ag Appropriations has indicated to me that the President would declare the State of Florida, because of fires, eligible for disaster assistance. The same kind of thing could apply to the northern plains States. Of course they are hurting. There may be an opportunity here.

In view of what has happened to our markets—no fault of our farmers and ranchers—I would favor emergency sanction indemnity payments. If you are going to spend $4 billion, for goodness' sakes, call it an emergency. Why would you put it in a loan rate that keeps the price below approximately $3? You ought to give it to the farmer. Let us do all of this, and more, to build upon and improve the current farm bill.

Mr. President, I ask unanimous consent that the following articles be printed in the RECORD. I call them the "Set the Record Straight Articles." I call them to the attention of all of my colleagues, especially those so critical of current policy. It ought to be required reading for them.

As I have said before, the Freedom to Farm bill is not sacrosanct. It is far from perfect. There is no perfect legislation. It is a work in progress, should not be discarded.

I originally thought, in coming to the floor, I would not take so much of the time of my colleagues and the distinguished Senator from Mississippi. I thought the proper course of debate would be to simply ignore some of the commentary—basically accentuate the positive, eliminate the negative, and do not mess with Mr. In-Between. That was my original plan. But given the tidal wave of criticism, I think we also have the responsibility to set the record straight.

I ask unanimous consent that an article from Pro Farmer outlining what Speaker GINGRICH has indicated their agenda is in the House to be of help, be printed; and, finally, an article by Gregg Doud of World Perspectives, who did an analysis, and he calls it the "Anatomy of a Regional Farm Crisis."

I urge that all Senators—if they could find the time to really get at the bottom of what we are facing in regard to this farm crisis—read this. This goes into considerable detail. It is painful. It is painful to go through a transition when you are not competitive in the world market or, for that matter, the domestic market. But Gregg certainly tells it how it is. And I think all of these articles certainly set the record straight. And, again, I ask unanimous consent that these articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Inside Washington Today, June 26, 1998]

HOUSE SPEAKER SPEAKS OUT ON CRITICAL AG, TRADE ISSUES

(By Jim Wiesemeyer)

It is unusual for a top hitter like Speaker of the House Newt Gingrich to wrap his arms around so many major issues impacting agriculture and trade. But that he did Thursday in a joint press briefing attended by other House Republicans, including Ag Committee Chairman Bob Smith (R-Oregon).

Today's dispatch focuses on the agenda Gingrich and Company said will prevail this summer and fall. And that agenda, if realized, would set a very firm foundation for U.S. agriculture's future, both near-term and especially over the long haul.

Gingrich's top-five priorities for action to be taken before Congress ends its 105th session:

A vote on fast-track trade authority by September.

Bipartisan agreement on reform of and funding for the International Monetary Fund (IMF);

A vote on renewing normal trade status for China;

Legislative action on exempting financial assistance for exports of agricultural commodities from international sanctions;

Efforts to significantly increase pressure on the European Union regarding agricultural subsidies and anti-competitive trade practices.

Let's takes those five priorities one important step at a time:

Fast track: Gingrich is committed to scheduling a vote this September. And the House Speaker says supports were "within eight votes" of passage last fall. Odds for passage this year in the House would improve rather dramatically under House Ag Committee Chairman Bob Smith's proposal. Smith says he could round up the needed House votes by altering a pending bill to increase the role of the Ag Committee in working with the Clinton administration before a trade agreement is initiated.

I've mentioned Smith's proposal before—it was included in his letter to U.S. Trade Representative Charlene Barshefsky. It would create a requirement that the administration consult with congressional committees before it initials a trade accord Under Smith's approach, this means the House and Senate ag panels would have the same rights as the House Ways & Means Committee and the Senate Finance Committee—the usual trade policy kingpin committees.

Reports have surfaced that in a June 18 letter to Rep. Smith, Barshefsky informed Smith that the administration supported a provision similar to his during last year's fast-track debate and thus would continue to do so. (However, the U.S. Trade Rep's office says the proposal had not been returned late June 25.)

What about the White House and Democrats? Gingrich says he believes the Clinton administration will "do everything it can to help pass this when it comes up in September."

White House reaction: On June 19, White House spokesman Mike McCurry said he was not aware of a renewed effort to past fast track, but said the administration would "welcome" such a step. Well, they've got it.

The Senate already has the votes to past fast track in my judgment. And that's what Gingrich says is the conclusion he got after speaking with Senate Majority Leader Trent Lott (R-Miss.).

But Senate Minority Leader Tom Daschle (D-S.D.) said that while he would support efforts to resurrect fast track, given the degree to which it is controversial, "it may be difficult to bring up in the short time we have left" in the current Congress—with less than 40 legislative days in the session.

The House must act first on trade legislation because it is considered a revenue measure.

Botton line: It's been a slow-track to fast-track, but its getting there.

IMF funding and reform: Gingrich says it might be necessary to fund the IMF at less than the $18 billion the United States has promised to provide.

That suggests the $18 billion amount is open to negotiation. Congressional sources say the final result on this topic depends on how many IMF reforms Republicans can get the White House to swallow (this is the most contentious area on this topic as Treasury Secretary Robert Rubin has focused his attention on the matter.)

Gingrich is mum on what level of IMF funding will likely come out of the Republican-controlled Congress. But he admitted

the problems in Asia and Russia have sensitized the need for Congress to act.

Gingrich still faces some naysayers in his own party. Rep. Tom DeLay (R–Texas), who is the House Majority Whip, says "Giving the IMF more money is not a panacea for all the troubles that bedevil the Asian economy. In fact, in many instances, the IMF is the problem, not the solution."

I agree in many ways with DeLay's comments, but the IMF has suddenly (and prudently) changed its previous take-no-prisoners' stance at reforming the very impacted Asian countries.

The White House and House Minority Leader Dick Gephardt (D–Mo.) calls the financing of the IMF a more pressing issue than fast track. Gephardt predicts there would be enough Democrats and Republicans to support IMF legislation. He said he thinks Republicans "are hearing loud and clear from the business community that they think this is a risky business (delaying IMF funding). And I think you're going to see more and more Republicans coming to the view that we ought to take up that legislation.".

Bottom line: The ongoing Asian financial crisis is leading some previous naysaying lawmakers to at least reassess their prior stance. More IMF money is coming. Perhaps not the $18 billion. And there will be some needed IMF reform strings attached to it.

A vote on renewing normal trade relations/MFN with China. The House Ways and Means Committee on Thursday came out strongly in favor of granting China normal trade status.

Gingrich says "There are no practical grounds for cutting off American producers, American agriculture, and American companies" from the Chinese market, despite concerns about transfer of missile technology and illegal campaign contributions. A better way to say this cannot be found.

Bottom line: This is the easiest one to call—it's not a question of if but when China gets the "normal" trade status moniker. That is of course assuming the country doesn't make any major stupid moves to upset an election-year Congress.

Exempt financial assistance to ag commodities from U.S. sanctions: The House on June 24 passed a bill (HR 4101) that has an amendment lifting sanctions on Pakistan. The House Ag panel also has passed a bill (HR 3654) that would life ag sanctions. The Clinton administration says it supports the pending legislation.

Increase pressure on the EU for its ag subsidies and anti-competitive trade practices. I have two words for this priority: good luck.

They should have added Canada to the list. For example, Canada on Thursday declined to conduct a full financial audit of its wheat board. The United States says it will keep "pressing" the issue.

USDA General Sales Manager Chris Goldthwait says Canada "agreed to an audit of durum (wheat) only. We (U.S.), of course, had asked for a full audit, including sales to third countries, and will continue to press them on that."

The U.S. wants an audit because it suspects the Canadian Wheat Board is subsidizing Canadian growers—in violation of international trade rules.

Rep. Earl Pomeroy (D–N.D.) says Canada's outright refusal to conduct an audit is proof positive that it is subsidizing its wheat farmers. He labeled it a "national travesty" that the United States has not been able to convince Canada to conduct the full audit.

It didn't take long for an official at the Canadian Embassy here in Washington to put the word out that Canada's Wheat Board does not subsidize exports.

One Canadian official says the Canadian government wanted to limit the scope of the audit, due to cost. What? Heck, the U.S. Congress spends more money than a drunken sailor, so they should take Canada for its word and put the money. But frankly, if history prevails, another reason will float out as to why Canada shouldn't and won't oblige.

Bottom line: We must think smarter and be tougher. Until we get U.S. trade officials who consistently, fervently, and smartly keep up successful attacks on trade-distorting policies in the EU and other places (Canada for one), U.S. agriculture will continue to face an uphill battle in significantly boosting its export potential in the years ahead. Market access is one thing; getting countries to fulfill on prior pledges is another.

The best statement Gingrich made on these topics is when he said, "the only country economically strong enough to keep the world economy moving forward is the United States. The trick is for us to send a signal that we want a stronger and more vibrant world market, and that means a strong vote on fast track.

And if we don't get fast track and the hoped-for result of improved market access for competitive U.S. agricultural products, the trick will be on U.S. agribusiness which is in the process of pursuing structural and farm policy reforms to gear up for the perceived growth years ahead for the export market—both in volume and market share.

ANATOMY OF A REGIONAL FARM CRISIS

(By Gregg Doud)

There is no "crisis" in U.S. agriculture today. Even though grain prices are at multi-year lows and livestock prices are also in the doldrums, it must be realized that agricultural is a cyclical business. Anyone would have to expect that after 20-year-highs in world grain prices, the pendulum would eventually swing. After all, it's taken at least the last 100 years figuring out that the ebb and flow of supply and demand explain price and that agricultural commodity markets literally ebb and flow with the wind.

What hasn't been so obvious, however, is that little more than plain and simple greed drives farmers, over time, to produce at a level that covers little more than their variable costs of production. In other words, very few farmers have not wanted to farm the entire county in which they reside. Every year it's the same old, "I'll gamble and extend myself a little this year, because if I don't my neighbor will have an advantage over me."

Applying this classic psychology to northwest Minnesota and northeast North Dakota where there certainly is a regional production agriculture crisis going on these days, is the first step in understanding just what is now causing producers to go bankrupt and what policies and actions, if any, are to blame.

A recent study by North Dakota State University (NDSU) says production costs for producers in the Red River Valley (again, northwest Minnesota and northeast North Dakota) have increased by 71 percent since 1991 although yields in this predominantly spring wheat and barley producing area have not changed. The report estimated that costs of production in this region of the country range anywhere from $11 to as much as $200 per acre for wheat and/or barley. By comparison, the average northcentral Kansas total variable cash costs are $82 per acre and fixed costs are $35.53 per acre for a $118 per acre total. (Source: Kansas State University) Much of these added production costs in the Red River Valley include fungicides and herbicides and increased fertilizer costs associated with disease problems and an overabundance of rainfall in recent years.

It seems that where the Red River Valley separates itself, however, is with regard to land costs. In central North Dakota, cash rental rates typically run between $25 and $30 per acre (30 bushels per acre wheat). In the Red River Valley, though, NDSU put the average rental rate at $57.75 per acre and the average land value at $850 per acre. In comparison, good dry-land wheat farmground in northcentral Kansas these days that has a wheat production capability very similar to the Red River Valley goes for about $450–500 per acre. Remarkably, the disparity in land values is even larger when one considers that property taxes in Minnesota are some of the highest in the nation.

These numbers are important as they bring to light one of the major factors influencing this crisis. There is no way a Red River Valley wheat and barley producer can stay in business and pay these prices for cash rent or land ownership! The NDSU report suggested that a barley crop can cover about 50 percent of the cost of production while wheat will cover about 85 percent of total costs. These examples quickly illustrate the biggest obstacle Red River Valley's small grain producers face—their land is overpriced for the crops they are trying to grow. Or is it? There is a reason for this seemingly mad behavior and it's probably not too surprising that its roots are derived from another U.S. government commodity program.

In this region of the country, sugar beets are the money crop as producers can gross $700 per acre and net $150. However, in order to "get in" a producer must buy stock in the sugar beet corporation or co-op and that stock translates into the number of acres of beets the producer can plant. Apparently sugar beet stock trades just like land and is worth about 1–1½ times what the land is worth. Stock offerings have recently expanded to acquire more acreage.

Although there is a tariff rate import quota, these returns have driven up cash rental rates to $120 per acre or more in beet production areas. This wide discrepancy between these $25 per acre cash rental rates in the central part of the state and $120 per acre for beets has provided a wide window of opportunity for non-sugar beet landowners with an average $57.75 per acre rental rate the result.

Coming along once again to further complicate these seemingly unjustifiable rates, however, is the USDA and its "prairie pothole" designation as part of the Conservation Reserve Program (CRP). Some would argue that while the approximate average of a $55 per acre CRP rental rate doesn't necessarily drive up regional rental rates, the special designation makes it easier for landowners to get into the program. It is this threat that is causing renting producers to bid enough to keep the land in production despite the fact that paying these rates is not economically justifiable.

When Red River Valley producers have to pay "too much" for fixed or capital investments, it means there is little or no room for error when it comes to anything connected with either price (marketing), yield (gross returns), or management decisions. However, since problems do occur because of poor weather, etc., producers have to insure themselves by utilizing risk management tools

such as crop insurance and the futures market.

Managing risk is the most difficult part of farming and every producer knows there is no such thing as a "perfect hedge." One often used risk management tool is the Federal Crop Insurance program. However, Red River Valley spring wheat producers in recent years have exposed a few holes in this program when it comes to dealing with scab damaged wheat.

IS BETTER CROP INSURANCE THE ANSWER?

Federal Crop Insurance indemnity payments are based on yield losses. If a producer's average wheat yield is 40 bushels/acre and insurance with a typical 65 percent coverage level is purchased, that equates to 26.5 bushels per acre of coverage multiplied by $3.50 per bushel, or $92.75 per acre of coverage. While this is still below the cost of production, it's certainly better than nothing. In the Red River Valley, participation in the Federal Crop Insurance program is very high although it has begun to decline somewhat. However, problems occur with this program when wheat is infested with scab damage.

Scab damage greatly reduces the quality of the wheat while sometimes having only a minor impact on yields. Research indicates that the Actual Production History (APH) on which Federal Crop Insurance is based has fallen by about five bushels per acre on the Minnesota side of the valley, but on the North Dakota side there is no overall decline. In fact, there has been a slight increase in the North Dakota barley APH. (Note: This describes county aggregates. Some individual producers may be greatly impacted by their lower APH levels.)

Since the APH is based on a five-year moving average yield and there have been three to four years of problems in this region, lower APHs are unavoidable and present a significant problem for the producer. The primary area of concern involves some 18 counties in eastern North Dakota and 10 in western Minnesota. While there are some instances of significant declines (20 bushels per acre) in APH levels, the bulk of the counties in North Dakota actually fluctuates between +/− 4 percent. An APH change of 4 percent, with a 40 bushel per acre yield, would add $5.60 per acre to the indemnity payment using the example above.

Some have suggested that USDA "give" or reset the APH levels in these areas to provide relief to the producer. To this regard, there will be a pilot program in 1999 that will look into alternative ways of calculating an APH. However, officials have some concern about the impact of having other parts of the country essentially subsidize the program in this particular region.

QUALITY LOSSES

The more serious income problem also not addressed by federal crop insurance is a result of the drastic changes in discount schedules the marketing system has instituted as a result of scab disease problems. In 1993, when scab damage first entered the scene, the market severely discounted non-millable quality wheat in a range of between 50 and 80 cents per bushel. Discounts typically deal with the quantity of total defects and test weight losses and are usually larger in times of higher prices.

Since that time, cleaning equipment has been installed and the market has done a better job of segregating quality. This past year a typical discount was about 20 cents per bushel. In all cases, however, neither crop insurance, the futures market, nor any other government program could provide the producer a mechanism of risk management for these income losses.

USDA's federal crop insurance program does not factor in an offset for losses until the quantity of damaged kernels exceeds 10 percent (making it U.S. Grade #5 wheat). Even at that point, the program only provides a 1 percent increase in the production account for 11 percent damage. This level of damage, however, would likely relegate a particular parcel of wheat to a price on par with corn.

Scab damage is again a concern in the Red River Valley this year as a large portion of the Valley's wheat crop is now flowering and standing in water due to recent heavy rains. Quality premiums and discounts could well end up being more important price discovery factors than the futures market this year if disease once again breaks out. The Federal Crop Insurance program's ability to better address quality and value losses could be of great benefit to these producers. The concern is that adjustments in these quality provisions could impede market signals.

A third minor option being discussed is to define an additional "unit level" within the structure of the Federal Crop Insurance program by combining "all owned" land with "all crop shared" into one "enterprise unit." This might provide for lower premiums, but this is very minor in relation to the overall regional farm income situation.

All of the above, however, is not enough to explain or resolve the distress for the entire region although a few changes to the crop insurance program would provide at least some assistance. These changes may also help turn the tide of decreasing participation in the Federal Crop Insurance program in this region.

A better approach would be the whole-farm-based Farm Production Insurance Corporation (FPIC) proposed by World Perspectives' CEO Carole Brookins. This program would deliver business interruption insurance and whole farm equity protection rather than a price-times-yield insurance coverage that has to be modified for every new situation that arises.

MAKING BETTER BUSINESS DECISIONS

One piece of WPI advice to producers is that when they find themselves in a hole, stop digging. Most U.S. grain farmers learned during the mid-1980s that bigger is not necessarily better. Farmers in the region say that one of the most unique characteristics of this regional crisis is that many producers have not stopped spending money. The truth is that farmers may be greedy, but when they have money, they spend it.

In the instances of producers still sitting on large quantities of old-crop grain, many had the opportunity to sell wheat at $3.75 per bushel last fall, but chose instead to put the crop under loan. Although hindsight is always 20/20, it would appear that in this case, the lure of $8 per bushel soybeans, $5 per bushel wheat and $3 per bushel corn clouded judgment at a very inopportune time. Will this crisis finally provide adequate encouragement for producers to seek other less risky methods of acquiring higher prices for their crops? Heaven only knows.

Farming is a cyclical business and it appears that the dairy business is doing quite well and grain prices may be turning the corner. Alternatively, WPI expects to see land values stagnate or possibly even decline slightly along with reductions in cash rental rates in relation to commodity prices. The grain market reacts to global events and right now there seems to be plenty of supply amid sluggish demand. WPI notes, however, that it's always interesting to see how politicians try to spin these circumstances to justify their policy positions.

Summer is quickly approaching and it's an even numbered year. All seats of the House of Representatives and one-third of the Senate seats are up for election. The current political landscape suggests that the majority in the House of Representatives is also up for grabs. There are probably about 15 House seats out of the 435 that may well decide who holds the majority and nearly all involve rural districts.

As a result, U.S. farm policy is caught in the middle of a raging battle of partisan politics with House Democrats claiming that Freedom to Farm has failed and Republicans decrying the Administration's approach to trade. House Republicans have also seen the non-use of Export Enhancement Program (EEP) during periods of low domestic prices as an opportunity to needle the Administration.

Both these postures are fatally flawed as they are old-school agricultural economics and in the real world producers see this for what it really is: political grandstanding. Producers have liked their freedom to farm and it has helped them realize that their income comes from the marketplace and not from Washington.

Possibly the most unfortunate consequence of this entire situation is that producers all across the country made significant capital expenditures during this period of high commodity prices and large transition payments in the last few years. In fact, a number of these expenditures were likely made to reduce taxable income. To address this situation, Congress has proposed the Farm and Ranch Risk Management (FARRM) program that would allow producers a five-year window in which to defer up to 20 percent annually of their taxable income. Income, however, could not be deferred for more than five years. This is an excellent way to address the highs and lows of farm income. It's just too bad that it wasn't in place before now.

The best option in dealing with scab is still crop rotation. Producers can also opt for chemical control, but this makes little economic sense unless both yields and prices are high. Increasing the loan rate for wheat will only impede this need for rotation. Raising loan rates will only serve to mute market signals and missed market signals will certainly lead to lower farm income. Tweaking the crop insurance program will help, but it doesn't do much to address the fundamental farm economics of the region.

One important element that should be arrived at based on these discussions is that there just isn't a lot that policymakers can do without distorting price discovery in the marketplace. Yes, there is a regional farm income crisis in the U.S. Northern Plains, but it is not a U.S. crisis. Also, there are no easy answers. There is, however, a series of steps over time that can be taken to remedy the situation including opening markets and decreasing regulation.

SUMMARY

Although it is probably unavoidable in an even-numbered year, WPI deplores the demagoguery in agricultural policy at anytime, but particularly when it occurs during a crisis situation. It is quite clear that deficiency payments would have been less than transition payments and that the 1996 Freedom to Farm Act and little, if anything, to do with the Red River Valley's unfortunate situation over much of the last five years. it is the responsibility of agricultural policymakers,

however, to see that appropriate research funding is available to eventually find a solution to the problem and to develop a better safety net. However, there is a big difference between a so-called safety net and a free indemnity payment.

Local newspaper editorials written by farmers in this region are not telling other farmers that if they can't produce wheat at a $3.00–$3.25 per bushel break-even point they have a problem. WPI adds that, hopefully, these producers have less of a problem growing something else besides wheat. Ultimately, it will be the market which decides whether or not there is a problem, or in other words, whether this wheat really needs to be produced.

It is unfortunate that high commodity prices and government payments have masked the severity of scab disease in this region. While many farmers in other places were able to recover financially as a result of these high prices, those in scab country were just postponing reality. Some farmers in this region appear to have been betting that the scab problem would simply go away. It hasn't and these producers are now in trouble.

In today's global wheat market, many U.S. regions and/or producers would not fall into the low-cost producer category. However, as of yet, WPI is not sure how well the market has communicated this message. This message will eventually be delivered and it may just be that wheat producers in the Red River Valley are the first ones to receive delivery. There is a siren blaring and it's calling for producers to rotate out of wheat production. Producers need to be able to hear it. They also need to make better business decisions.

Mr. ROBERTS. I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I listened very carefully to the excellent remarks of the distinguished Senator from Kansas. I think he put in perspective the challenges that face American agriculture, particularly out in the northern plains. But he also, I think, put in proper perspective the legislative history and the effort that was made, on a bipartisan basis, and with the approval of this President, to authorize farm programs that meet the modern needs of farmers, do not solve all the problems, but within the context of Federal legislation give farmers an opportunity to operate their farms in the context of a global economy, within the limits of the Federal budget that has been constrained in recent years, and with a predictability about the future, with rights of flexibility, with rights of choice on the part of farmers as to what they plan and how they manage their farm operation.

The distinguished Senator has been a very important leader in agriculture and I think, in listening to his remarks, it is clear to all of us why he has been chosen and why his advice is so often taken here in the U.S. Senate and when he was chairman of the House Agriculture Committee, and why he has been such an effective leader throughout the country on agriculture issues. It also shows us that we are in a situation now where we have to make a choice.

We have before us a resolution offered by Senators HARKIN and DASCHLE stating the problems in some sectors of the country in agriculture and calling on the Congress and the President to take action in response to these problems. I support the general tone and the general sense that is contained in that resolution, and I hope the Senate will work its will soon and adopt this resolution. If it has to be modified, let's modify it and then move on to specific amendments. We have a list of amendments.

As we started the consideration of this bill, which we had been advised Senators wanted the Senate to consider, there were about 50 amendments. We have worked our way down to a point now where it is a little less than 40. We have sent out hotline requests to Senators' offices to let us know what their intentions are in terms of specific amendments. Give us the benefit of the suggestions. Let us look at them. Senator BUMPERS and I will try to accommodate Senators' requests where we can, and get the reaction of the administration to other suggestions Senators make for amendments and work our way through those amendments to final passage of the bill. We would like to get that done tonight if we could. It is probably not realistic to expect to complete action within the next 2 hours. But I would like to do that. Then we could turn to other appropriations bills tomorrow.

The majority leader has already indicated that we will not be in late tonight. Certainly we ought to be able to finish this bill at least at an early hour tomorrow. But to accommodate the requests and the interests that we all have in moving along expeditiously on the passage of appropriations bills, we need to have the cooperation of Senators. The first order of business is to deal with this sense-of-the-Senate resolution.

I have suggested to some Senators on this side of the aisle that if they have suggestions for changes in that resolution, let us know about it, and we will take them up with the authors of the resolution and see if we can pass that resolution within the next several minutes. I hope we can do that.

COSMETICS

Mr. HATCH. Mr. President, I would like to commend my friend, the Senator from Mississippi, for his stewardship of this important bill.

I rise today to voice my great concern about FDA's recent announced cutbacks in its cosmetic regulatory program. I ask unanimous consent to have printed in the RECORD a copy of the letter that I sent to the chairman of the Agriculture Appropriations Subcommittee on April 23d which details my concerns about FDA's proposed cuts in the cosmetics program.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 23, 1998.

Hon. THAD COCHRAN,
Chairman, Subcommittee on Agriculture, Rural Development, and Related Agencies, Washington, DC.

DEAR MR. CHAIRMAN: I wanted to bring to your attention a matter concerning the funding of the Food and Drug Administration's (FDA) regulatory program for cosmetics. While I am mindful of how difficult appropriations allocation decisions are given the discretionary budgetary caps we enacted last year, I know that you have consistently worked over the years to see that the FDA would have adequate funding for its vital consumer protection mission.

It has come to my attention that FDA has recently informed the cosmetic industry of its intent to decrease substantially both the personnel and financial resources devoted toward its cosmetics regulatory program. I am concerned that this misguided decision will have untoward results for the millions or our citizens who use these products literally every day.

Let me just cite a few examples of the types of important activities that FDA plans to reduce, or outright eliminate, supposedly on the grounds that these activities are low priority. On the chopping block is the voluntary registration program whereby manufacturers currently register their products and facilities so that FDA's compliance activities are conducted effectively and efficiently. To eliminate such a program—a program that was successfully implemented in a spirit of voluntary cooperation between the regulated industry and the FDA—in an attempt to capture relatively meager short term budget savings may in practice only go to prove the wisdom in the old adage "penny wise and pound foolish." It just seems to me that this voluntary program provides vital information to FDA in terms of investigating adverse reaction reports, noncompliant products, and dilatory companies.

In addition, as I understand the situation, FDA has indicated that it will essentially completely phase out its consumer and manufacturer assistance program. Without this capability to monitor and respond to the technical issues attendant to cosmetics safety, I fear that the public health could be jeopardized.

The FDA cosmetic oversight program has been characterized by collaboration between the agency and the industry and this spirit of cooperation has succeeded in helping the industry sustain its strong record of product safety and consumer satisfaction. Without the FDA's visible presence and high standards, we may be unintentionally creating a climate that the irresponsible and unscrupulous will find irresistible. To allow FDA to backslide in the area of cosmetics can only prove unfortunate to the consumers of these products.

FDA is charged with implementing one of the most important consumer protection laws—the Food, Drug, and Cosmetics Act. We must not acquiesce to FDA's attempt to take short-sighted budgetary actions that will inevitably diminish the protection afforded consumers of cosmetics under this longstanding statutory scheme. Congress should act to keep "cosmetics" prominent in the Food, Drug, and Cosmetics Act.

In its FY 1999 Justification of Estimates for Appropriations Committees and Performance Plan to the Congress, FDA "zeroes out"

the current budgetary line item for cosmetics with the following terse footnote: "Cosmetics monitoring is phased out in FYs 1998 and 1999. FDA will continue its activities at the center level." I believe that the best way to structure the budget is to target specific funds for the cosmetic regulatory program in the Center for Food Safety and Applied Nutrition (CFSAN). Such a decision will send an unambiguous message to FDA that Congress considers appropriate cosmetic regulation to be an important FDA function, and that we expect appropriated funds to be allocated for that purpose in the usual line item fashion.

While I know that new funds—not reallocated funds—would be preferable but difficult to secure, I hope that the Subcommittee will conclude that a relatively modest investment will go a long way for consumer protection in this area. Specifically, I recommend that the Subcommittee appropriate an additional $6 million in the FDA budget to be earmarked for the cosmetic program in CFSAN. This sum may represent a small fraction of the total FDA budget but it can provide a great difference for the millions of consumers of such commonly used products as soaps, shampoos, deodorants, and makeup and fragrances.

I thank you in advance for your consideration of this request. I want to work with you on this issue and I will do what I can to help.

Sincerely,

ORRIN G. HATCH,
U.S. Senator.

Mr. HATCH. Mr. President, the bottom line of this letter was to urge the Chairman and members of the Agriculture Appropriations Subcommittee to increase funding for the cosmetics program to $6 million.

I am pleased that the Report accompanying the Senate bill encourages the FDA to restore funding for this program to the funding levels of previous years. Because nearly every American uses a cosmetic product each day, it is important that the regulatory program for cosmetics in the Center for Food Safety and Applied Nutrition's Office of Cosmetics and Colors be adequately funded. I understand that our colleagues on the House side have wisely provided an increase of $2.5 million to keep this program at previous funding levels.

I would hope that we can work with our colleagues in the other chamber to see that the final version of this bill that emerges from conference does indeed contain the $2.5 million increase that the House provides and would restore the cosmetic program to the $6 million level.

Mr. COCHRAN. I thank the Senator from Utah for his remarks. I can tell him that we will try to do everything we can to restore the cuts in FDA's cosmetics program.

Mr. NICKLES. Mr. President, the Choctaw Nation of Oklahoma has brought to my attention concerns relating to the Food Distribution Program for Indian Reservation (FDPIR) program administered by the Department of Agriculture. Specifically, USDA regulations prohibit Oklahoma Indian tribes distributing commodity goods under FDPIR to tribal members in population area that exceed 10,000 persons. I have been made aware this prohibition does not exist in other states. As a result, Oklahoma tribes are placed in a different category from tribes administering FDPIR commodity programs.

To address the concerns raised by the Choctaw Nation, I would request the Secretary of Agriculture, in consultation with the appropriate Oklahoma state agencies, review the current regulations with respect to the FDPIR program in Oklahoma and take any necessary regulatory action to ensure tribal members receive adequate commodity services from the most appropriate provider.

Mr. COCHRAN. I appreciate the concerns raised by the Senator from Oklahoma, and would make a similar request of the Secretary with respect to this matter.

MOTION TO WAIVE BUDGET ACT—AMENDMENT NO. 2729

Mr. BYRD. Mr. President, earlier today, the Senate voted on a motion made by Senator DASCHLE, the distinguished Minority Leader, which would have waived the Budget Act with respect to a point of order raised against his tobacco amendment to S. 2159, the Department of Agriculture appropriations bill.

I voted against the Daschle motion because I believe that, after having debated tobacco legislation for nearly four weeks, the time has come for the Senate to move forward on the pending appropriations bills. Although I appreciate the Minority Leader's heartfelt desire to see a tobacco bill enacted during this Congress, I also appreciate the fact that that goal is not likely to be met in the few remaining days before adjournment. Thus, prolonging this issue is not, in my opinion, in the Senate's best interest.

Mr. President, while I could not support the Minority Leader's motion to waive the Budget Act in this particular case, I will not, of course, rule out supporting such a motion in the future. Should we, as the minority Members of this body, continue to be effectively precluded from offering amendments, I would then be willing to join my colleagues in seeking to have those amendments debated on any available legislative vehicle.

Mr. MCCAIN. Mr. President, as we begin consideration of the spending bills for the next fiscal year, I commend the efforts of Chairman COCHRAN, Senator BUMPERS and other members of the Subcommittee in putting forth this bill to fund the wide array of agricultural programs within the U.S. Department of Agriculture and related agencies.

In the accompanying report, the Subcommittee stated its objective, to closely examine "[a]ll accounts in the bill" and "ensure that an appropriate level of funding is provided to carry out the programs." Mr. President, I was delighted to read this statement. However, after reviewing the bill and its accompanying report language, my delight was brief at best.

It is painfully clear the subcommittee has not lost its appetite for pork-barrel spending. This bill has been fattened up with vast amounts of low-priority, unnecessary and wasteful spending. In fact, this particular appropriations bill contains an astounding $241,486,300 in specifically earmarked pork-barrel spending. This is over $60 million more than last year's pork-barrel spending total for this bill, which was only $185 million in wasted funds. In addition, the bill and report direct that current year spending be maintained for hundreds of projects, without being specific as to the amount.

To exemplify this egregious spending, I have compiled a lengthy list of the numerous add-ons, earmarks, and special exemptions provided to individual projects in this bill.

Many of the programs funded in this bill are laughable. Yet there is nothing humorous about funneling Americans' hard-earned tax dollars to parochial interests. This bill is rife with examples.

The subcommittee's recommendation for the Cooperative State Research, Education and Extension Service (CRSEES) blatantly typifies the way my colleagues have irresponsibly put their own agendas ahead of national priorities. For CRSEES research and education activities, my colleagues added on $22,193,000 to the budget estimate. In fact, out of 106 special research grants for state universities, 99 projects were unrequested and earmarked to serve specific regions of the nation, such as: an earmark of $3,536,000 to Oregon, Mississippi, Minnesota, North Carolina, and Michigan for the wood utilization project; $150,000 for plant, drought, and disease resistance gene cataloging in New Mexico; $64,000 for nonfood uses of agricultural products in Nebraska; and, an earmark of $84,000 to Georgia for Vidalia Onions. Mr. President, you and I may love Vidalia Onions just as much as the next person, but an $84,000 earmark to Georgia for Vidalia Onions is absurd in this era of supposed fiscal restraint.

Let's look at the earmarks in the Animal and Plant Health Inspection Service funding.

The Committee directs the Department to continue funding at the current level for cattail management and blackbird control in North Dakota, South Dakota, and Louisiana. I would be surprised if there were no problems with excessive cattail growth and huge blackbird flocks in other areas of the country.

$800,000 is earmarked for rabies control programs in Ohio, Vermont, and

New York. Again, I am certain other areas of the country would benefit from rabies control funding.

The Committee encourages the Department to consider grants to Burlington, Vermont, and Anchorage, Alaska, to assist these cities in developing public markets.

The Committee notes that it "expects" the Agriculture Department to purchase surplus salmon, but only if there is surplus salmon at low prices.

Mr. President, this type of locality-specific and special-interest earmarking is blatantly unfair to the taxpayers. It sets the tone, so evident in this bill, for a spending frenzy where honest hardworking Americans' tax dollars are thrown away on unrequested, low-priority, wasteful spending similar to the previous examples and hundreds like it.

Similar flagrant violations of the appropriate merit-based review process permeate the FY '99 Agriculture Appropriations bill and report—a testament to my ongoing concerns about pork-barrel spending. Mr. President, I raised concerns over earmarks in the FY 1998 appropriations bill, yet funding continues to be provided without adequate justification for nonsensical programs and designated regional benefits, such as: the perennial add-on of $3,354,000 for the Shrimp Aquaculture project benefiting the states of Hawaii, Mississippi, Arizona, Massachusetts, South Carolina; $150,000 for the National Center for Peanut Competitiveness in Georgia; a $26 earmark million for additional spending to benefit the Lower Mississippi Delta region.

Mr. President, most of the programs in this bill, such as grants, loans and other types of technical assistance programs, would normally be available to local, state and tribal entities in an open and competitive process. Many projects of merit and national necessity deserve to compete for the scarce funds gobbled up by wasteful pork-barrel spending. But these projects will never receive fair deliberation if this Committee pre-determines their fate by "expecting" and "urging" the Department to give special consideration to certain projects over others.

This bill also continues the questionable practice of prohibiting facility closures and designating funding for maintaining administrative personnel. For example, an additional $1,400,000 is provided to the Rice Germplasm Laboratory in Stuttgart, AR, for additional staffing, and more than $20 million is provided to various agencies and field offices in order to maintain personnel. The bill also contains a section that prohibits the expenditure of any funds to close or relocate an FDA office in St. Louis. The Committee does not provide any justification on why we should be spending taxpayers dollars to preserve unneeded bureaucracy. Nor does the report explain why specific offices and laboratories are higher in priority than others and more deserving of continuing funding despite recommendations of closure.

Mr. President, I will not deliberate much longer on the objectionable provisions of this bill. In closing, I simply ask my colleagues to apply fair and reasonable spending principles when appropriating funds to the multitude of priority and necessary programs in our appropriations bills. I look forward to the day when we can go before the American people with a budget that is both fiscally responsible and ends the practice of earmarking funds in the appropriations process.

GENERIC DRUG APPROVALS

Mr. HATCH. Mr. President, over the past several years, I have highlighted my growing concern about the Food and Drug Administration's failure to meet statutory deadlines with respect to a number of very important consumer products it regulates, including medical devices, food additives and generic drugs.

I would note that enactment of the Food and Drug Administration Modernization Act (FDAMA) is intended to address some of those concerns, especially with respect to innovator drugs.

But a very real concern remains about the generic side of the equation.

My colleagues should be aware that, despite a requirement in the law that generic applications be acted upon within 180 days, the review time usually takes far longer. In fact, in its budget justification submitted to Congress this February, the agency reveals that only 50% of the applications receive final agency action within the statutory deadline, and the mean review time is 25.6 months.

This is a matter of significant concern to me, and, I believe, to the Congress as well. As the Committee noted in the report to accompany S. 2159:

In light of the fact that generic drugs provide important cost benefits to consumers and the Federal Government, the Committee also encourages the FDA to devote additional resources to generic drug reviews in order to address the backlog of applications and provide reviews within the 6-month period required by statute.

Later, the Committee goes on to say:

FDA delays have significant implications for public health. Each FDA delay extends the time it takes for consumers to benefit from new products that provide significant therapeutic benefits. The Committee believes that FDA's statutory obligations to perform its core regulatory activities must remain the agency's top priority.

The failure of the FDA to devote sufficient resources to the Office of Generic Drugs is penny-wise but pound-foolish. Generic drugs can provide significant benefits to consumers. They typically enter the market at a price 30% below their brand-name equivalents, and decline in price to 60%–70% below the brand product price over time.

Generic drugs have provided consumers with lower cost alternatives to innovator drugs, and they will continue to do so in the future. Over the next decade, a number of important pharmaceutical patents will expire, with cumulative annual sales in the tens of billions of dollars, and with the potential of tremendous consumer benefits. These benefits could be significantly diminished if there are not adequate abbreviated new drug application reviewers. It is as simple as that.

Last year, due to the concerted leadership of Chairman COCHRAN and others, the FDA was directed to submit a detailed operating plan which yielded an increase of $702,000 for the Office of Generic Drugs (OGD). I was, and am, very appreciative of these efforts.

It is my understanding that the House Appropriations Committee has provided an additional $1 million to OGD this year; I strongly support the House mark and only wish it could have been even higher.

When the agriculture appropriations bill goes to conference, I hope that conferees will build upon last year's record and will continue to increase funding for generic drug reviews. I know that it is always hard to find additional money given the budgetary constraints we face, but a very small amount of money in Federal budget terms can have a very large impact here, especially for those, particularly senior citizens, who lack prescription drug coverage.

APHIS/WILDLIFE SERVICES

Mr. JOHNSON. Mr. President, I strongly encourage the Conference Committee for the FY 1999 Agricultural Appropriations bill to recognize the need for a full-time APHIS/Wildlife Services district supervisor position located in South Dakota for the protection of agriculture and endangered species.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I rise in support of the Agriculture Appropriations bill, which includes essential funding to support our American farmers, the most competitive farmers in the world.

It is imperative that the Agriculture Appropriations be passed out of the Senate quickly, as our farmers will be forced to pay dearly for any delays. The bill includes vital funding for scab research. This is an essential project to counter what has become a major threat to wheat and barley farmers.

The bill includes many other important bio-genetic projects as well. Long-term basic research is fundamental and must remain a priority.

This bill also continues the crucial tools to help our farmers promote their commodities at home and throughout the world. The bill funds the Foreign Agricultural Service, which is a necessary component in successfully identifying and reaching foreign markets. The Service coordinates the formulation of trade policies and programs with the goal of enhancing world markets for U.S. agricultural products.

Included are the CCC Export Credit Guarantee Program; the PL-480; the Export Enhancement Program; the Market Access Program, and others. The bill also includes full funding of the Federal Crop Insurance program, the major risk management tool to come out of Freedom to Farm.

Today we will debate several amendments that are being touted as a remedy to the current farm crisis that some states in the Upper Midwest, including Minnesota, are currently facing.

I do not want to downplay the problems faced by Northern Minnesota farmers. Farmers are hurting, but we must look for the best ways to help them promote long-term solutions rather than take a costly political approach.

There are multiple factors which have contributed to and exacerbated the current circumstances facing many of our Upper Midwest farmers. They include the Asian financial crisis, plant diseases, and surpluses accompanied by low commodity prices. The combined effect has been enough to put some farmers out of business, despite the fact that the Market Transition Payments in the FAIR Act have provided our producers with a much greater safety net than the deficiency payments they would have received under the old program.

The current crisis cries out for an immediate answer—a quick-fix. Scrap the intent of the 1996 Freedom to Farm Act, some of my colleagues are suggesting, and go back to the old-style, government-directed farm policy we fought so hard to change.

Surely it is heart-wrenching to watch our neighbors lose their livelihoods, but is the approach of the Minority amendments the right one? Will it help farmers in the long run? I do not think so. These proposals will not alleviate the problems. That much should be obvious. These are serious problems and require serious legislative proposals What the situation demands is more deliberate, long-range attention.

Furthermore, these proposals like a serious misdiagnosis exacerbate the problem, not only for farming generations to come but for the very farmers they would supposedly serve.

One amendment would be to extend the loan rates in order to allow farmers the discretion of waiting for higher prices. Sadly, this looks like a sure-fire method to lower commodity prices even further. Extending the loan for an additional six months would give a farmer incentive to hold onto the remainder of last year's crop, while at the same time pulling in a new harvest—most likely a very large harvest. The effects are obvious—an increased amount of grain on the market, which pushes prices down.

There are other costs to this approach. Grain storage and transportation issues continue to play a role in the overall problem. Extending the loan rate will only make matters worse in that farmers who hold onto their grain longer must have a place to store it, taking up more space in the elevators. There must also be enough rail cars to ship it. This also drives prices down.

Another ill-fated proposal would raise the cap on government market loan rates. Again, we must beware of proposals—like extending the loan rates—that would influence the market in such a way as to create market distortions. That is just what this proposal would do. It would create more commodity than the market could stand without devaluing it. If loan caps are lifted, it tends to encourage a rational farmer to withhold grain from the market, leading to more government-owned grain. This also drives prices down.

Yet another proposal would authorize $500 million in payments to farmers who have suffered repeated crop failures. But we decided to avoid these types of measures in favor of the Federal Crop Insurance Program, and similar risk management measures included in the Freedom to Farm Act. And certainly $500 million spread over a number of hard-hit states is not going to be enough to make a real difference for farmers, even over the short-term. The better alternative is to continue to improve the FCIP.

It is not difficult to put these band-aid proposals into perspective. What is hard is the fact that they are being billed as steps that would immediately help individuals who have supposedly been hurt by Freedom to Farm, giving them false hope for relief—a magic elixir for suffering farmers that won't work. With the benefits of Freedom to Farm we agreed to accept the kind of market cycles other industries suffer. When the cycle turns down, we must look at the best way to reverse the downward cycle through sound government policies. We must continue our efforts to seek new markets for our agriculture products, and to seek alternative uses for them as well. We can replenish the IMF, pass Fast Track negotiating authority, pursue unfair trade practices, and continue MFN for China. We can oppose unilateral sanctions.

As Chairman of the International Finance Subcommittee of the Banking Committee, I worked with Senator HAGEL to pass the replenishment of the IMF in the Senate. I regret it is still held up on the House side. Without this kind of multilateral assistance, we cannot provide the assistance needed to address the kind of crises we face in Asia, Russia and many other areas. I urge the Administration to work out the differences we have surrounding this issue in the House so we can continue this kind of crucial assistance.

Fast Track negotiating authority is necessary to pursue new trade agreements with other nations that will improve access for agriculture and other products. While the Administration indicated it would pursue this authority this year, that appears to no longer be a priority this year. Yet, this authority would open markets to relieve some of the commodity pricing pressure in the Upper Midwest. I have joined Senator HAGEL and others today in requesting Senator LOTT to bring up Fast Track this year as one of our top priorities.

Continuing MFN for China is another top priority of mine as well as the agricultural community. China is a major market for the United States, now, and even more in the future. Those who want to hold agriculture hostage to solving many unrelated problems in China are very shortsighted. Not only do we risk United States exports in the short term, but the long term as well as the United States earns the reputation of an unreliable supplier. Engagement through trade and contact with the Chinese leaders and people is what gains us progress on human rights, religious persecution and other issues—not cutting off those relations.

Mr. President, I was pleased we passed the Farmer Relief Act last week to exclude agriculture products from India-Pakistan sanctions. We should have gone further to provide waiver authority and exclude all the economic sanctions, but that battle will be fought another day. It is clear to me that agriculture sales should not be included in any sanction, and I will continue to support efforts to eliminate agriculture from current sanctions as well as to prevent our farmers from being targeted in these largely political battles. Farmers still painfully recall the Russian grain embargo and other unilateral sanctions that continue to shut off important markets. Cutting off agriculture sales only hurts the people of the targeted country—not the government we aim to punish.

I am a co-sponsor of the Dodd bill to remove agriculture sales from current Cuba unilateral sanctions. The same arguments we make against other agriculture sanctions apply here as well. It is time to make this humanitarian, important change in the embargo.

I also am a co-sponsor of the Africa trade bill which I believe will help our farmers in the long term as we work to expand trade opportunities in that continent.

All of these current and pending sanctions—61 current and many pending—cry out for passage of the Lugar Sanctions Reform Bill, which I have co-sponsored. This will ensure that not only will we have a sound basis to ensure that sanctions will have their desired effect before we pass them, but also that they do not impose a higher cost to our economy than we can bear. This legislation should be noncontroversial, and it should be passed immediately.

Mr. President, I am convinced that pursuing trade policies that open markets, not close them, will go a very long way in bringing higher prices to farmers in my state and others. I challenge my colleagues who have supported legislation to close markets abroad to take a closer look at what they are doing and support American agriculture on these important issues.

Mr. President, in passing Freedom to Farm, Congress recognized that agriculture policy in this country must emphasize business acumen and individual freedom—the principles that have made our economy sound today. And we must provide the means necessary to realize the potential of such a plan. The Agriculture Appropriations bill continues to provide the means. I urge my colleagues to stay the course and resist the short-sighted, politically motivated, market-distortion mechanisms that the Minority amendments would offer.

Thank you very much, Mr. President. I yield the floor.

Mr. BURNS. Mr. President, we have heard a lot of discussion here today about agriculture and the fix that it finds itself in, most of it caused by forces not under the control of the folks who live on our farms and ranches in this country, and in particular about our good friends who live in North Dakota along the northern high plains that stretch across the northern reaches of Minnesota, from Grand Forks to Williston, and yes, even over into my home State of Montana. I went through the 1980s as an auctioneer. I sold out some awfully good friends in that era. And, there again, that was caused by forces that were not under the control of those who make a living from our farms and ranches across this country.

You know, we, some of us, might take this lightly. But we are talking about something that involves every American. Every American has a stake in this, because the second thing you do every day after you get up is eat. I don't know what the first thing is because we have a lot of choices, I guess, but the second thing is that we eat.

We understand the pain on the northern high plains because I have experienced the same kind of situations and been around agriculture a long time, in the business of ag business and, yes, on the land, too. We understand that. We cannot write anything into legislation in the way of farm policy of a one-size-fits-all. Each State is different. Each county is different. Each region of this country is different, producing different crops under different circumstances, under different growing seasons, different soils, and that makes it a real challenge to try to develop any kind of farm policy as far as this Government is concerned from this place here in Washington, which I refer to every now and again as 17 square miles of logic-free environment.

What we did in the FAIR Act was to try to put agriculture into a position where farmers can enjoy as much versatility and flexibility in their cropping and making their decisions on how to market as each individual producer or operator could have. Risk management—that was part of it, part of it, making decisions on what to grow and when to grow it, how to market it, and, yes, even having some say in transportation.

We have heard a lot of people say this act is still a work in progress, that there were some things that we should really do that would facilitate the final policy of the FAIR: Farm savings accounts. Do something about estate taxes. We don't need estate taxes. Something has to be inherently wrong when you have to sell the farm to save the farm. Capital gains—a reduction in capital gains has already proven that, yes, it is an economic enhancer. We got income averaging for 3 years; now we need to put it in permanent law. And, yes, the sanctions reform, of which we have heard a lot in the past week and during this week —do that reform. And also reg reform.

Now, reg reform doesn't sound very big, but just this morning, in the full Committee on Appropriations, there was a memorandum of the Department of Transportation to deal with hazardous material with regard to agriculture, the hauling of hazardous materials from the city to the farm and from farm to farm with limited space and no reason that this Federal Government should preempt State regulations on handling those materials. Agriculture had enjoyed an exemption, when it comes to production agriculture, in providing the services that are needed on the farm and getting the crop back to the farm. Yet this Department of Transportation wants to change all of that. They want to preempt the States on how they handle hazardous material. It is just a little thing, the requirement of a CDL, just to do farm work—commercial driver's license, just to do farm work, not only putting the crop in but getting it out and getting it where it can be transported to the markets.

That is reg reform—the ability to use some pesticides and herbicides on growing new crops that have been introduced into the northern high plains, where we have competition from our friends in Canada where they have 15 to 20 different kinds of herbicides and pesticides to grow 1 crop while we are limited to 5 and cannot get FDA approval to go on and take care of the crop the way it has to be done.

One could also look at the situation, the terrible situation in North Dakota, where they have the disease scab. There is regulation on plant growth health.

We could also put together that same package of trade, trade, and trade. We know the effect of the financial crisis in the Pacific rim. Last January, we visited Australia. In talking to the Australians, they didn't think it would affect their GDP at all. When I walked out of that meeting in Canberra, Australia, I knew that these folks had really misread the crisis in the Pacific rim. They had underestimated exactly what was going to happen, when you have four major economies absolutely go in the tank, and then the economy that was to ride in and help them out can't do anything about it—and that is Japan. Those forces are completely out of the control of the American farmer and the American rancher.

So, fast track, normal trade relations to move our product into those markets and have a shot at that market. Right now, with sanctions, we are getting no shot at all. That is not right, and it is not fair.

I would probably say that sanctions have very little effect, if any at all, on any kind of product. What happens when you put sanctions on anything is, they will find the foodstuffs; they will find the grain. They might pay a little more for it, a couple of pennies a bushel more, and then we have to compete against the lower end of that market? That is not fair either. So, sanctions very seldom work.

There is also another end of this that I haven't heard anybody talk about in this country, and I do not know how to deal with this problem, but I know there is a problem. The percentage of the consumer dollar going back to the farm is the smallest it has been in the history of agriculture.

What do I mean by that? If some of you go to the grocery store and do your shopping, go down the cereal line and see what Wheaties are worth per pound. I think you will find they are around $3.75 a pound. Cereal is not cheap—$3.75 a pound. I want America to know—do you realize that we cannot even get $2.50 for a bushel of wheat that weighs 60 pounds? There is more money in the box than there is in the wheat that is the basis of the product. Something is a little out of whack. Yet, we have some of our great agricultural processors and purveyors and buyers calling themselves a supermarket to the world.

What we are saying though is: If you are such a good supermarket, then give

us more of the consumer dollar. You have an obligation, like anybody else, to make sure the producer gets at least his cost of production. That would help them stay in business, but it also helps the processor to stay in business.

I noticed, there was a little letter that came this way from one of the great processors in this country wanting to go back to the old way of doing business. It makes sense to me. If I am out here buying corn and soybeans and wheat, I can buy it very cheaply, yet the taxpayer pays the profitable margin in this country to the farmer.

That is not right either. That should be paid at the marketplace, and a percentage of that should go to production agriculture.

We are still a work in progress, and, yes, we have a situation on the northern high plains with which we are going to have to deal and for which we have an obligation to deal.

NAFTA, has it been good? Maybe for all America, but it sure hasn't worked for us on the northern high plains. When you have 300 loads of cattle a day coming across the wheat grass in northern Montana, and yet we have a cattle market and you have $60 steers—I have a good friend who lives over in Miles City, MT. Of course, he has a great sense of humor, and it is a great thing. You have to have a good sense of humor when you farm a ranch. He said $60 fat cattle, $40 hogs, and $2.50 wheat, and $9 oil. Remember, oil only costs about $9 a barrel at the wellhead. That would tell me anybody who is in the business of producing a raw product is not getting paid very much for their product, but the price hasn't been reflected at the pump or at the grocery store. If they go down for the consumer, I guess all of us can live pretty good. But I said, "Well, that doesn't sound too good." He said, "Yeah, but there's a silver lining—we've got a lot of it." And that is the kind of attitude you have to carry into this business.

How do we deal with the northern high plains, victims of flood and drought and those farm families that really just eke it out every year? They are land rich, but they are cash poor. That has been the story of agriculture for a long, long time. I am afraid that story is not going to end with any action taken in the Congress.

Do we want the Government back in the grain business? Do we want those huge stocks that cost the taxpayer a lot of money in storage? Do we want those stocks to overshadow the market? This man who wrote this letter saying we should go back to the old way of doing business thinks it is all right, because he is going to get his supply from stocks that didn't cost very much money. Yet, his end product is not going to go down a great amount. In fact, it won't go down at all. They will always say "inflation." The percentage of the consumer dollar we don't have any control over either.

Just remember that little illustration that there is more money in the box that contains the Wheaties than there is in the wheat that is the base ingredient of that great food, a percentage of the consumer dollar. Going back to the old way will not cure the ills of what is happening in the northern high plains.

I thank the chairman of the Appropriations Committee and those of us who have been meeting every day to open up markets and to deal with sanctions, because it is trade, trade, trade. Just like in the business of the real estate, when you buy, there are three main things: Location, location, location.

We must continue to do that. This administration must use every tool they have to open those markets and to move the product, whether it be through Public Law 480, through EEP, or export credits. We must get in the world market, and we must compete and move the products.

I thank the chairman, and I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I commend the distinguished Senator from Montana for his comments and his leadership. I don't know whether Senators realize this or not, but he has been getting Senators together on an invitation basis at his office to discuss the problems in agriculture, bringing to the attention of all of us who are interested in that subject some very serious challenges that we face now in terms of trade policy and the other related issues that he has already talked about this afternoon.

His comments to the Senate are very helpful as we put in perspective what our challenge is and what our options are for responding to these very real problems in agriculture.

Mr. President, I am also happy to be able to advise the Senate that we have reached an agreement with the Democratic leader on the subject of the sense-of-the-Senate resolution which was offered earlier today and which has been the subject of a good deal of discussion.

There has been an agreement to modify the amendment, and I am ready to propound a unanimous consent request with the clearance of both leaders, and it is as follows:

I ask unanimous consent that at 5:15 p.m. this evening, the Senate proceed to a vote on amendment No. 3127, as modified, offered by the minority leader. I further ask unanimous consent that no second-degree amendments be in order prior to the vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 3127, AS MODIFIED

Mr. BUMPERS. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

At the appropriate place, insert:

Findings:

In contrast to our nation's generally strong economy, in a number of States, agricultural producers and rural communities are experiencing serious economic hardship;

Increased supplies of agricultural commodities in combination with weakened demand have caused prices of numerous farm commodities to decline dramatically;

Demand for imported agricultural commodities has fallen in some regions of the world, due in part to world economic conditions, and United States agricultural exports have declined from their record level of $60 billion in 1996;

Prolonged periods of weather disasters and crop disease have devastated agricultural producers in a number of States;

Certain States experienced declines in personal farm income between 1996 and 1997;

June estimates by the Department of Agriculture indicate that net farm income for 1998 will fall to $45.5 billion, down 13 percent from the $52.2 billion for 1996;

Total farm debt for 1998 is expected to reach $172 billion, the highest level since 1985;

Thousands of farm families are in danger of losing their livelihood and life savings;

Now, therefore, it is the sense of the Senate that immediate action by the President and Congress is necessary to respond to the economic hardships facing agricultural producers and their communities.

Mr. COCHRAN. Mr. President, if there are Senators who want to discuss this or other issues, there is an opportunity between now and 5:15 to do that. Pending such discussion, the distinguished Senator from Arkansas and I have been able to review additional amendments, and we are prepared to recommend to the Senate that they be accepted as a part of this agriculture appropriations bill.

I ask unanimous consent that the pending amendment be set aside for the purpose of propounding these additional amendments for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3142

(Purpose: To clarify a budget request submission regarding spending based on assumed revenues of unauthorized user fees)

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself and Mr. COCHRAN, proposes an amendment numbered 3142.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 67, after line 23 insert the following:

"SEC. . None of the funds appropriated by this Act or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the users fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2000 appropriations act."

Mr. BUMPERS. Mr. President, this is an amendment that deals with what is a perennial knotty problem for the members of this subcommittee. It simply says that no funds may be used to prepare the budget for this subcommittee that includes user fees unless those fees have been previously authorized or under the budget identifies spending cuts or revenue increases that should occur in case the fees are not adopted, which they never are.

We invariably get these budgets. The President invariably sends a budget over, and our subcommittee looks it over, and there is always a bunch of user fees in there. This is about the eighth or ninth straight year that user fees have been included, and the subcommittee never agrees to them. The reason we don't is that the full committee and the Senate would never agree to them either.

This amendment is designed to say in the future, don't send those user fees over here unless you are prepared to tell us, in case we don't adopt the user fees, where you are going to find the spending cuts for it or where you are going to find revenue increases. This is a 1-year proposition. This provision will only apply to the budget year 1999. I think this has been cleared on both sides.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am delighted to join the distinguished Senator from Arkansas in cosponsoring this amendment. He has identified the problem. It really ought to be labeled the "truth in budgeting amendment," because it requires the administration now to acknowledge when a proposal is made for user fees to be approved by Congress. In the absence of such approval by the legislative committee, in the legislative process a submission has to then show how much money should be appropriated from the Treasury through the appropriations process, not to continue to assume that there is this pot of money there that has been generated by the enactment of user fees. I think this will help everybody understand the process better. And we certainly welcome this change in the law as proposed by the distinguished Senator from Arkansas.

We know of no objection to the amendment on this side. We urge that it be approved by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Without objection, the amendment is agreed to.

The amendment (No. 3142) was agreed to.

Mr. COCHRAN. I move to reconsider the vote by which the amendment was agreed to.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3143

(Purpose: To establish a pilot program to permit certain owners and operators to hay and graze on land that is subject to conservation reserve contracts)

Mr. BUMPERS. Mr. President, I send an amendment to the desk on behalf of the minority leader, Mr. DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] for Mr. DASCHLE, proposes an amendment numbered 3143.

Mr. BUMPERS. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 67, after line 23, add the following:

SEC. 7___. PILOT PROGRAM TO PERMIT HAYING AND GRAZING ON CONSERVATION RESERVE LAND.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE STATE.—The term "eligible State" means any State that is approved by the Secretary for inclusion in the pilot program under subsection (b), except that the term shall not apply to more than 7 States.

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(3) STATE TECHNICAL COMMITTEE.—The term "State technical committee" means the State technical committee for a State established under section 1261 of the Food Security Act of 1985 (16 U.S.C. 3861).

(b) PILOT PROGRAM.—Notwithstanding section 1232(a)(7) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(7)), during the 4-year period beginning on the date of enactment of this Act, on application by an owner or operator of a farm or ranch located in an eligible State who has entered into a contract with the Secretary under subchapter B of chapter 1 of subtitle D of title XII of that Act (16 U.S.C. 3831 et seq.)—

(1) the Secretary shall permit harvesting and grazing on land on the farm or ranch that the Secretary determines has a sufficiently established cover to permit harvesting or grazing without undue harm to the purposes of the contract if—

(A) no land under the contract will be harvested or grazed more than once in a 4-year period;

(B) the owner or operator agrees to a payment reduction under that subchapter in an amount determined by the Secretary; and

(C) the owner or operator agrees to such other terms and conditions as the Secretary, in consultation with the State technical committee for the State, may establish to ensure that the harvesting or grazing is consistent with the purposes of the program established under that subchapter;

(2) the Secretary may permit grazing on land under the contract if—

(A) the grazing is incidental to the gleaning of crop residues;

(B) the owner or operator agrees to a payment reduction in annual rental payments that would otherwise be payable under that subchapter in an amount determined by the Secretary; and

(C) the owner or operator agrees to such other terms and conditions as the Secretary, in consultation with the State technical committee for the State, may establish to ensure that the grazing is consistent with the purposes of the program established under that subchapter; and

(3) the Secretary shall permit harvesting on land on the farm or ranch that the Secretary determines has a sufficiently established cover to permit harvesting without undue harm to the purposes of the contract if—

(A) land under the contract will be harvested not more than once annually for recovery of biomass used in energy production;

(B) the owner or operator agrees to a payment reduction under that subchapter in an amount determined by the Secretary; and

(C) the owner or operator agrees to such other terms and conditions as the Secretary, in consultation with the State technical committee for the State, may establish to ensure that the harvesting is consistent with the purposes of the program established under that subchapter.

(c) RELATIONSHIP TO OTHER HAYING AND GRAZING AUTHORITY.—During the 4-year period beginning on the date of enactment of this Act, land that is located in an eligible State shall not be eligible for harvesting or grazing under section 1232(a)(7) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(7)).

(d) CONSERVATION PRACTICES AND TIMING RESTRICTIONS.—Not later than March 1 of each year, the Secretary, in consultation with the State technical committee for an eligible State, shall determine any conservation practices and timing restrictions that apply to land in the State that is harvested or grazed under subsection (b).

(e) STUDY.—The Secretary shall make available not more than $100,000 of funds of the Commodity Credit Corporation to contract with the game, fish, and parks department of an eligible State to conduct an analysis of the program conducted under this section (based on information provided by all eligible States).

(f) REGULATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue such regulations as are necessary to implement this Act.

(2) PROCEDURE.—The issuance of the regulations shall be made without regard to—

(A) the notice and comment provisions of section 553 of title 5, United States Code;

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; or

(C) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

Mr. BUMPERS. Mr. President, this is an amendment that I think has a lot of

merit. It is a pilot program under which farmers who are enrolled in the Conservation Reserve Program can take a reduction in the payments that they would otherwise receive under that program in exchange for the right to bale hay and graze according to an agreement, of course, that they would have to work out. But they would have a right to forego certain payments in the Conservation Reserve Program in exchange for the right to hay and graze on some of their CRP lands.

Mr. COCHRAN. Mr. President, we have reviewed the amendment on this side of the aisle and find no objection to it. I urge it be approved.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3143) was agreed to.

Mr. COCHRAN. I move to reconsider the vote by which the amendment was agreed to.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3144

(Purpose: To prohibit the previous shipment of shell eggs under the voluntary grading program of the Department of Agriculture and to require the Secretary of Agriculture to submit a report on egg safety and repackaging)

Mr. BUMPERS. Mr. President, I send an amendment to the desk on behalf of Senator DURBIN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for Mr. DURBIN, proposes an amendment numbered 3144.

Mr. BUMPERS. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 67, after line 23, add the following:

SEC. 7 . EGG GRADING AND SAFETY.

(a) PROHIBITION ON PREVIOUS SHIPMENT OF SHELL EGGS UNDER VOLUNTARY GRADING PROGRAM.—Section 203(h) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(h)) is amended by adding at the end the following: "Shell eggs packed under the voluntary grading program of the Department of Agriculture shall not have been shipped for sale previous to being packed under the program, as determined under a regulation promulgated by the Secretary.".

(b) REPORT ON EGG SAFETY AND REPACKAGING.—Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture, and the Secretary of Health and Human Services, shall submit a joint status report to the Committees on Appropriations of the House of Representatives and the Senate that describes actions taken by the Secretary of Agriculture and the Secretary of Health and Human Services—

(1) to enhance the safety of shell eggs and egg products;

(2) to prohibit the grading, under the voluntary grading program of the Department of Agriculture, of shell eggs previously shipped for sale; and

(3) to assess the feasibility and desirability of applying to all shell eggs the prohibition on repackaging to enhance food safety, consumer information, and consumer awareness.

Mr. BUMPERS. Mr. President, this amendment codifies the Secretary of Agriculture's prohibition on the repackaging of eggs packed under USDA's voluntary grading program. This prohibition went into effect on April 27. It directs the Secretaries of Agriculture and Health and Human Services to submit a joint report to the relevant congressional committees on egg safety and repackaging.

The amendment has been cleared by USDA, by the Food and Drug Administration, and the egg industry, and it is supported by consumer groups.

The USDA recently reported, each year over 660,000 Americans get sick from eating eggs contaminated with salmonella enterovirus. Illness from this can be fatal to the elderly, children, and those with weakened immune systems.

According to the Centers for Disease Control, this bacteria caused more reported deaths between 1988 and 1992 than any other foodborne pathogen. The estimated annual cost of illness from this particular salmonella ranges from $118 million to $767 million each year, according to the Center for Science in the Public Interest.

It sounds like a very good amendment to me.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, it sounds like a good amendment to me, too. We have checked on our side of the aisle. There is no objection to the amendment. We urge it be approved.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3144) was agreed to.

Mr. COCHRAN. I move to reconsider the vote by which the amendment was agreed to.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 3145

(Purpose: To provide funding for completion of construction of the Alderson Plant Materials Center in Alderson, West Virginia)

Mr. BUMPERS. I send an amendment to the desk on behalf of the Senator from West Virginia, Mr. BYRD.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for Mr. BYRD, proposes an amendment numbered 3145.

Mr. BUMPERS. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 31, line 8, after "*Provided,*" insert "That, of the total amount appropriated, $433,000 shall be used, along with prior year appropriations provided for this project, to complete construction of the Alderson Plant Materials Center, Alderson, West Virginia: *Provided, further,*".

Mr. BUMPERS. Mr. President, this is an amendment that provides, from available funds in the bill, $433,000 can be used to complete construction of the Alderson Plant Materials Center in Alderson, WV.

Mr. COCHRAN. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

The amendment (No. 3145) was agreed to.

Mr. COCHRAN. I move to reconsider the vote by which the amendment was agreed to.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I ask unanimous consent to lay aside the pending amendment until the time scheduled for its vote, which I believe is 5:15.

The PRESIDING OFFICER. The Senator is correct. It is 5:15. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 3146

(Purpose: To provide a safety net for farmers and consumers)

Mr. DASCHLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE], for himself, Mr. HARKIN, Mr. WELLSTONE, Mrs. MURRAY, Mr. KERREY, Mr. CONRAD, Mr. DORGAN and Mr. BAUCUS, proposes an amendment numbered 3146.

Mr. DASCHLE. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 67, after line 23, add the following:

SEC. 7. MARKETING ASSISTANCE LOANS.

(a) MARKETING ASSISTANCE LOANS.—

(1) LOAN RATES.—Notwithstanding section 132 of the Agricultural Market Transition

Act (7 U.S.C. 7232), during fiscal year 1999, loan rates for a loan commodity (as defined in section 102 of that Act (7 U.S.C. 7202)) shall not be subject to any dollar limitation on loan rates prescribed under subsections (a)(1)(B), (b)(1)(B), (c)(2), (d)(2), (f)(1)(B), or (f)(2)(B) of that section.

(2) TERM OF LOAN.—Notwithstanding section 133(c) of the Agricultural Market Transition Act (7 U.S.C. 7233), during fiscal year 1999, the Secretary of Agriculture may extend the term of a marketing assistance loan for any loan commodity for a period not to exceed 6 months.

(b) EMERGENCY REQUIREMENT.—

(1) DESIGNATION BY CONGRESS.—Subject to paragraph (2), the entire amount of funds necessary to carry out this section is designated by Congress as an emergency requirement under section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(e)).

(2) BUDGET REQUEST.—Funds shall be made available to carry out this section only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) is transmitted by the President to Congress.

(c) TERMINATION OF EFFECTIVENESS.—

(1) IN GENERAL.—Subject to paragraph (2), the authority provided by this section terminates effective October 1, 1999.

(2) LOAN TERMS.—A marketing assistance loan made under subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.) and subsection (a) shall be subject to the terms and conditions of the loan during the 15-month period beginning on October 1, 1998.

Mr. DASCHLE. Mr. President, I have discussed this matter procedurally with our distinguished managers on both sides of the aisle and appreciate very much their willingness to cooperate in terms of expediting the consideration of these critical amendments.

The amendment that I have just submitted is one that Senator HARKIN and I and others discussed on the floor this morning.

The amendment builds upon what I hope will be a very significant vote at 5:15 this afternoon. As we note, the first amendment hopefully brings us together, Republicans and Democrats, in a way that allows us to say: Yes, we understand there is a problem; yes, we have to respond. Even though we may not yet have an agreement on how we might respond, there should be a response.

That is, in essence, what we are saying with the passage of the resolution that we have just ordered a vote on. Now we go to the next phase: All right, if we recognize there is a problem, then what we do we do about it? As many of us noted this morning, we are offering a series of proposals that we hope will allow us to respond in a meaningful way to the situation that we find ourselves in in agriculture. A lot of people already today have put excellent reports found in various publications into the RECORD. The Chicago Tribune on June 21 of this year had a report that I don't think is yet in the RECORD. The article is headlined "Harvest of despair."

In the article, the very first statement says:

Falling prices, poor growing conditions, and government deregulation are forcing thousands of family farmers to abandon their way of life, perhaps the worst blow to the rural Northern Plains since the bankruptcy crisis of the middle 1980's.

Mr. President, I don't think there is an article that could say it more succinctly than that. It goes on to explain the circumstances.

In 1996, for a bushel of wheat, farmers received $5.20 cents. In May of 1998, they received $3.07—a $2.13 reduction in price on a bushel of wheat in a 2-year period of time, a 40-percent-plus reduction in the availability of price for farmers.

That is the problem. This precipitous drop in price is generating an extraordinary crisis financially for family farmers and ranchers all over America. It is not just wheat. I could give the same statistics for corn. We could talk about livestock. We could talk about virtually any commodity found in the northern Great Plains, or in the West today, and you would see a situation that could be entitled "Harvest of Despair."

So the question is, What do we do about it? I am one who believes in the marketplace. But I also know that the market has many ways that have been used, many tools that have been used, both public and private, in an effort to soften these economic upturns and downturns. We see it on Wall Street. We see it on Main Street primarily through the Tax Code. We have seen it in agriculture for decades. We are not suggesting in response to this crisis that we reopen the farm bill and, in so doing, reopen the debate about all of the infrastructure that is now in place dealing with the relationship that the people of the United States have with farmers. We are not going to do that.

But what we are going to do is to suggest that there are some actions that can be taken that would have profound benefits to farmers and to ranchers to get through this crisis. And what we are suggesting is that in many of those cases we put a time limit on it. We don't say for all perpetuity now we are going to make these changes, because that would be doing the very thing I said we weren't going to do. So the amendment that I have laid down is a perfect illustration of just that.

The amendment says that the Government will take the average price that we have seen for commodities over the last 5 years, drop the highs and lows, and put in place a marketing loan at 85 percent of that price that the farmers could avail themselves of, if they don't want to be forced to sell their grain tomorrow.

Let's assume a farmer has a good crop. Let's assume that he is suffering, with this remarkable chart showing that prices have gone from $5.20 down to $3.07 in 2 years, and he doesn't want to settle for $3.07. What does he do? He goes to the Department of Agriculture and says, "I heard about this marketing loan you all have. I would like to take out a loan." For now it is 9 months. We are going to give them a little more flexibility. We are going to say 15 months—1 year and 3 months—5 quarters—before he has to pay it back. He is going to say, "I am going to take out that loan," betting their price is going to turn around. So he does. The price goes up, he pays the loan, the Government makes money, and the farmer stays in business.

Mr. President, that is what we are doing. That is what we are suggesting here.

Mr. President, I ask unanimous consent that the Chicago Tribune article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, June 21, 1998]

HARVEST OF DESPAIR

(By Greg Burns)

HILLSBORO, ND—Years of farming the rich black soil near this town of 1,462 never quite prepared Scott Kraling for his new occupation.

Instead of wearing his customary blue jeans and dusty cap, he fidgets in the striped shirt and electric-blue shorts of a uniform. Instead of a trusty pickup truck, he rolls past wheat and sugarbeet fields in a yellow delivery van marked Schwan's Delicious Ice Cream.

His farming days are over. "I'm a Schwan's man now," the 38-year-old father of two said.

Kraling is among thousands of North Dakota farmers who have quit over the last few years in what's being called a "stealth" farm crisis.

Unlike in the mid-1980s, bankers aren't forcing them out. No one is making a major motion picture about their plight and singer Willie Nelson isn't staging any benefits.

Kraling arranged the auction of his tractors and combines himself last year because, truth be told, he was sick of farming. "You can't keep liking something that keeps going against you," he said, taking a quick pull on a cigarette. "I really don't think there's a future in it."

Across the Northern Plains, low grain prices, poor growing conditions and government deregulation are driving many farmers off the land.

Remote prairie countries that once supported a dozen or more independent dirt-scratchers now have just a few, as the survivors take on more acreage to seek elusive economies of scale.

In the last two years, 2,511 of North Dakota's farmers have given up, leaving fewer than 30,000, the lowest number since World War I, according to Richard Rathge, state demographer. Another 1,807 are expected to quit by the end of this year, a recent study indicates.

So far, the farm woes barely have dented the overall prosperity of this premier wheat state No. 2 in production behind Kansas. Ex-farmers such as Kraling are finding plenty of jobs available in town.

A bigger blow is being dealt to the rural culture of the Northern Plains, as a century-old pattern of life slips away.

"It affects all of us," said Margaret Bruce, pastoral minister at St. John's Catholic Church in Grafton, ND. "Grafton is a farming community. When you're looking at a fourth- or fifth-generation farmer leaving the farm, that's sad."

Since May, Bruce's church has distributed thousands of green ribbons to be worn in support of surviving farmers.

"This isn't just about dollars and cents," said Sen. Byron Dorgan (D–ND). "The country will lose something very important. Family values roll from family farms to small towns to big cities."

Yet many folks in these parts have come to accept that market forces will eliminate even more family farms. As in other sectors of the economy, tradition has fallen by the wayside as the nation embraces global commercial competition.

"Will there be fewer farmers? Yes," said North Dakota Gov. Ed Schafer. "It hurts. It changes the character of the state. [But] it's a return-on-investment decision."

In Washington, DC, momentum is building for some relief. Still, a major bailout of producers is unlikely.

Since the 1996 Farm Bill, Uncle Sam has moved in the opposite direction, lifting restrictions on farmers while also reducing the safety net of government handouts. Dorgan, for one, wants to restore part of that safety net, but even he expects "a struggle."

Speaking to some 1,100 North Dakotans earlier this month, Agriculture Secretary Dan Glickman dangled only a few modest initiatives—a crop-insurance break here, a credit relief program there.

The "demoralized" air of the farmers in attendance shocked him, Glickman said afterward. "It is almost frightening to see the faces," he said. "The situation in the Northern Plains is bleaker than I've seen in agriculture in a long time."

Farmer Mike Kozojed of Galesburg, N.D., came away from Glickman's talk expecting little relief. "There's no light at the end of the tunnel," he said.

Last Thursday, Tim Eisenhardt of Grandin, N.D., joined the ranks of ex-farmers, as auctioneer Scott Steffes went to work selling his trucks, combines, sprayers, swathers, and grain carts.

Under a cloudy sky, dozens of farmers from at least three states stopped around the muddy barnyard hunting for bargains, as Eisenhardt and his father, Fred, greeted neighbors at the edge of the crowd. "That's the way she goes," Fred remarked as the auction proceeded.

Barnyard auctions are becoming everyday events in North Dakota. Steffes had 11 scheduled for last week, nine for the coming week. "We're having sales for farmers who are discouraged and don't feel there's any opportunity," Steffes said. "Pretty soon, we're going to run out of people to sell for."

Nature is responsible for much of the hardship.

Years of poor weather and plant disease have made conditions tough even in the rich Red River Valley along the eastern edge of the state. The arid boondocks to the west, with thin soil suitable for only a few crops, has had it even tougher.

"If it's bad in the Red River Valley, it's bad everywhere," said commodity analyst Bill Biedermann of Allendale Inc. in McHenry, Ill.

Because of its short growing season and reliance on the single crop of wheat, this region has leaned heavily on government programs now being phased out. Under the 1996 legislation, farmers no longer will receive "deficiency" payments if prices fall below target levels, or automatic disaster aid-if crops fail.

The supposed benefit of the Farm Bill—the freedom to plant any crop the farmer sees fit—is a bigger boon in areas where a greater variety of crops will grow.

The legislation came about as soaring exports to the booming economies of Asia pushed prices higher. These days, Asia's demand for U.S. agricultural products has fallen along with its nations' currencies.

In addition, foreign competitors, inspired by the higher prices, brought more land into intensive production. Bumper crops around the world have pushed wheat prices down nearly 20 percent in a year.

A healthy national economy has cushioned the trouble's financial impact across the Northern Plains, but many business leaders worry about the future.

"It has an effect on all Main Street businesses," said Jim Williams, general manager of a farm-implement dealer in Arthur, N.D.

Sales at his 108-year-old Arthur Mercantile Co. have declined as much as 20 percent annually for two years running, and he expects the pinch to spread beyond the grain elevators, fuel stations and others who deal directly with farmers, he said. "It's kind of grim.

Lenders, too, are concerned. On the plus side, most farmers quitting these days have positive net worths, and those remaining borrow more money because they have bigger farms, explained Ken Knudsen, chief credit officer at Fargo's Farm Credit Services. Yet lending in small towns has become riskier as populations dwindle below sustainable levels.

"When they leave the farm, they move to Fargo or Bismarck or Grand Forks or Minot, not the town of 400," Knudsen said.

In fact, North Dakota's 17 towns with populations of at least 2,500 now account for 56 percent of the population, up from just 27 percent in 1950, according to demographer Rathge. Meantime, 99 of the state's 100 smallest towns have lost population in the 1990s. And the number of youths under 18 living on farms has plunged by 5,000, to 12,000, since 1990.

Some of the most progressive farmers are feeling intense pressure too. Many rely on side businesses to boost their incomes, even as they're taking on more acreage.

Dakota Growers Pasta Co., a co-op that makes private-label pasta for supermarkets and food-service firms, has thrived as farmers have sought to diversify. For every share they purchase in the venture, farmers can sell the co-op one bushel of wheat and receive a dividend based on the company's profit.

Similar ventures are springing up all over, said Tim Dodd, company president. "There's been co-op fever in North Dakota."

All the same, surviving farmers such as Kozojed, a mustachioed 41-year-old who farms 3,000 acres, predict the business will only get tougher. "Three years from now, we'll probably be farming 5,000 acres if we're still doing it." he said, digging into a plate of steak and eggs at the Country Hearth Family Restaurant.

But isn't farming always cyclical? Wouldn't one good year make a big difference? Kozojed stabs his toast into an egg yolk and grins. "I'd sure like to find out."

Mr. DASCHLE. Mr. President, on an emergency basis we give the President the opportunity to deal directly with the crisis that we are facing right now in farm after farm, in rural community after rural community. It only goes into effect in case of an economic crisis. It gives the President the discretion to control the extreme and persistent income losses by lifting the loan caps and extending their terms this year only. This authority expires this time next year.

Regardless of how my colleagues feel on lifting the caps, this measure would probably do more than any other I can think of in providing immediate help—immediate relief—to farmers who are the victims of the "Harvest of despair".

I know a lot of my colleagues have said, "Look, we don't want to get back into that. We have had those battles." I understand that. But I also understand, Mr. President, that we have very few options. And almost categorically when we talk to farmer organizations, and farmers themselves, they say, "We have to have some other option than to force our grain on the market when it is this low. Give us an opportunity for some breathing space. Give us some room." So that is what we are doing.

Wheat loan rates would increase 64 cents a bushel—from $2.58 to $3.22. Corn loan rates would increase 36 cents a bushel—from $1.89 to $2.25. Soybean rates would increase 7 cents a bushel—from $5.26 to $5.33.

Keep in mind that we are talking about the 85 percent average over the last 5 years.

They have flexibility. They have a little more certainty about what they are going to get for their crop going into the market this fall.

Mr. President, that is as good as we think we can do under these circumstances.

Would I like to see a higher loan rate? Absolutely. Would I like to see even more substantive ways in which to ensure a better price? Absolutely. But after very careful consideration, we said, "Look, let's do something that is reasonable. Let's do something that we believe the administration and most Members of Congress would recognize to be prudent and responsive to the problems we are facing in agriculture today."

I know that we are scheduled to vote at 5:15. I know the distinguished Senator from Iowa wanted to address this matter as well prior to the vote.

Just as soon as he appears in the Chamber, I will yield. I would like to yield the remainder of that time to the distinguished Senator from Iowa.

Mr. President, the "harvest of despair" needs to be addressed. All we are asking is an opportunity to address it in a way that is very prudent budgetarily, that very carefully addresses the emergency nature of the situation farmers are facing today.

I yield the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Iowa.

Mr. HARKIN. Mr. President, first I thank our leader, Senator DASCHLE, for really taking the bit here and moving ahead aggressively to answer a real concern and a real need that we have in rural America. Well, I would go beyond that—a crisis in rural America. Senator DASCHLE has always been the leader in recognizing and understanding what is happening in our farm economy. This time is no exception, so I thank Senator DASCHLE personally for his leadership in this effort.

I thank the managers of the bill, both Senator COCHRAN and Senator BUMPERS, for working with us on the language. I understand that we have the language worked out in an agreed form on the sense-of-the-Senate resolution. I am happy that we can come to a good resolution on that, and I guess that is what we will be voting on here at 5:15. I hope it gets an overwhelming vote because it will send a strong signal, I think, to rural America that we do, indeed, recognize there is a crisis, a crisis of immense proportions, as it does say the total farm debt for 1998 is expected to reach $172 billion, the highest level since 1985.

And so the sense of the Senate is just that. We recognize there is the problem. Now, the amendment that Senator DASCHLE has just laid down then takes that recognition of the problem and begins to do something about it. By taking the caps off the loan rate and by extending for 6 months the period of the loan, it will at least give our farmers a little bit more, a little bit more in what they can get for their crop this fall, and then give them the ability to market it in a more orderly fashion over the next 15 months.

I have to say at the outset that this amendment is a modest amendment, I mean a very modest amendment. I know that many farmers and others in rural America will look at this and say, gee, this is not nearly enough. This doesn't come anywhere near the cost of production; it doesn't come anywhere near what I need. Well, I recognize that. It should be more. I think I heard Senator DASCHLE say that, too. But we have to face the reality of the situation.

I am just hopeful that this very modest amendment to raise the loan rate and put it back where it was under the 1990 farm bill will get overwhelming support. If we cannot even do this, if we cannot even give our farming sector this much support in an emergency situation, well, then I guess what we are going to do is say, well, we recognize there is a problem out there, but we are not going to do anything about it. We are just going to leave you farmers out there to take the brunt of El Nino and take the brunt of floods and take the brunt of low prices and take the brunt of the Southeast Asian economic collapse and this Government, this representative Government of yours cannot do anything about it.

I hope we do not say that. I hope we say two things: I hope we say, yes, there is a crisis out there. And then I hope we follow it up by saying, yes, we are going to do something about it. We are going to lift the caps on the loan rate and at least give a few pennies—a few, a little bit—to farmers to hopefully get them through the crisis they are facing this fall. And again, Mr. President, it is a crisis. It is a problem of having the safety net there.

I am hopeful we can repair that safety net with just a few modest proposals we have.

I understand the vote is set at 5:15. Is that the idea?

Mr. COCHRAN. Yes.

Mr. HARKIN. Mr. President, I yield the floor.

AMENDMENT NO. 3127, AS MODIFIED

Mr. COCHRAN. Mr. President, I am delighted we were able to work out a modification to the Daschle amendment. It is the pending business. I urge all Republicans to vote for the sense-of-the-Senate resolution indicating that there are problems in agriculture; they need the immediate attention of the President and the Congress.

Mr. BUMPERS. Have the yeas and nays been ordered, Mr. President?

The PRESIDING OFFICER. They have not.

Mr. BUMPERS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3127 offered by the Democratic leader, Mr. DASCHLE. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Ohio (Mr. GLENN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 199 Leg.]

YEAS—99

Abraham	Coats	Gorton
Akaka	Cochran	Graham
Allard	Collins	Gramm
Ashcroft	Conrad	Grams
Baucus	Coverdell	Grassley
Bennett	Craig	Gregg
Biden	D'Amato	Hagel
Bingaman	Daschle	Harkin
Bond	DeWine	Hatch
Boxer	Dodd	Helms
Breaux	Domenici	Hollings
Brownback	Dorgan	Hutchinson
Bryan	Durbin	Hutchison
Bumpers	Enzi	Inhofe
Burns	Faircloth	Inouye
Byrd	Feingold	Jeffords
Campbell	Feinstein	Johnson
Chafee	Ford	Kempthorne
Cleland	Frist	Kennedy
Kerrey	Mikulski	Sessions
Kerry	Moseley-Braun	Shelby
Kohl	Moynihan	Smith (NH)
Kyl	Murkowski	Smith (OR)
Landrieu	Murray	Snowe
Lautenberg	Nickles	Specter
Leahy	Reed	Stevens
Levin	Reid	Thomas
Lieberman	Robb	Thompson
Lott	Roberts	Thurmond
Lugar	Rockefeller	Torricelli
Mack	Roth	Warner
McCain	Santorum	Wellstone
McConnell	Sarbanes	Wyden

NOT VOTING—1

Glenn

The amendment (No. 3127), as modified, was agreed to.

Mr. BUMPERS. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERTS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BUMPERS. Mr. President, will the Senator consider withholding that so we can offer and agree to a noncontroversial amendment?

Mr. ROBERTS. I would be delighted to.

Mr. BUMPERS. I thank the Senator.

AMENDMENT NO. 3147

(Purpose: To clarify the eligibility of State agricultural experiment stations for certain agricultural research programs)

Mr. BUMPERS. Mr. President, I send an amendment to the desk on behalf of the Senators from Connecticut, Mr. LIEBERMAN and Mr. DODD.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for Mr. LIEBERMAN, for himself and Mr. DODD, proposes an amendment numbered 3147.

Mr. BUMPERS. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 67, after line 23, add the following:

SEC. . ELIGIBILITY OF STATE AGRICULTURAL EXPERIMENT STATIONS FOR CERTAIN AGRICULTURAL RESEARCH PROGRAMS.

(a) FUND FOR RURAL AMERICA.—Section 793(c)(2)(B) of the Federal Agricultural Improvement and Reform Act of 1996 (7 U.S.C. 2204f(c)(2)(B)) is amended—

(1) in clause (iii), by striking "or" at the end;

(2) in clause (iv), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(v) a State agricultural experiment station.".

(b) INITIATIVE FOR FUTURE AGRICULTURE AND FOOD SYSTEMS.—Section 401(d) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621(d)) is amended—

(1) in paragraph (3), by striking "or" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(5) a State agricultural experiment station.".

Mr. LIEBERMAN. Mr. President, I am privileged to join today with my senior colleague from Connecticut, Senator DODD, to offer an amendment to the fiscal year 1999 agriculture spending bill to correct an oversight which threatens the ability of the Connecticut Agricultural Experiment Station to continue its important research activities.

The Station has a long and proud history. It happens to be the first state agricultural experiment station in the country, dating from 1875, and also happens to be the only state agricultural experiment station not affiliated with a university. Consequently, it is not eligible to apply for competitive grant funds from the Fund for Rural America or from the Initiative for Future Agriculture and Food Systems. The amendment we offer today makes a minor technical correction to allow the Station to compete for these grants just like every other experiment station across the country. We're not asking for any special consideration here. All we are asking for is an opportunity to compete.

The Connecticut Agricultural Experiment Station conducts research on plant pathology, horticulture, biochemistry, genetics, as well as many other science-based research projects. It also researches important public health issues, as well, such as Lyme Disease, which is a particular problem in our region, and now, nationwide. This important research should continue, and that is why we have brought this issue to the attention of the Senate today. I urge my colleagues to support this amendment.

Mr. DODD. Mr. President, I am pleased today to join my colleague from Connecticut, Senator LIEBERMAN, to do something here in the Senate that will help the farmers back in our State.

As the Senate began debating the Agricultural Appropriations Bill for FY1999, it came to our attention that the Connecticut Agricultural Experiment Station was not eligible for certain federal grants under the 1996 Farm Bill and the Agricultural Research, Extension and Education Reform Act of 1998.

The Connecticut Agricultural Experiment Station was established in 1875 as the first agricultural experiment station in the country. The station's mission is to put science to work for farmers and society. The work of this agriculture experiment station includes research projects on such issues as plant diseases, plant breeding, soil problems, and insects.

The Connecticut Agricultural Experiment Station is the only state based station not affiliated with a land grant university in the nation. Unfortunately, the way the legislative language is written, this station would be excluded from grants available to every other agricultural experiment station in the country. Therefore, I joined with Senator LIEBERMAN today to offer a technical correction amendment that would remedy this situation.

This amendment will allow the Connecticut Agricultural Experiment Station to be eligible for these competitive federal grants. Allowing this station to apply for grants will help our farmers, our citizens and our students who have questions or concerns about such topics as plants, insects, soil and water.

I thank the Chairman of the Subcommittee on Agriculture and Rural Development of the Appropriations Committee, Senator COCHRAN and the ranking member Senator BUMPERS for their help with this amendment.

I hope that this amendment will be approved by the Senate.

Mr. BUMPERS. Mr. President, the Connecticut Agricultural Experiment Station is the oldest experiment station in America. It has never been a part of the land grant college, and under the research bill that we just passed not too long ago, there was a provision that you had to be a land grant college in order to be qualified for these.

As I say, the experiment station in Connecticut has always received these funds. But because of that, nobody was thinking about that experiment station at the time. This bill corrects what really was an omission.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the amendment has been cleared on this side of the aisle.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank both the manager and the ranking member for their support. Senator LIEBERMAN and I are very grateful. This was really a technical amendment to correct this situation, and it allows us to continue to qualify, as the Senator said.

We appreciate their support very much.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

The amendment (No. 3147) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3146

Mr. ROBERTS. Mr. President, I ask unanimous consent that at 11 a.m. on Wednesday, July 15, the Senate resume consideration of the Daschle amendment numbered 3146 regarding marketing assistance loans. I further ask that there be 3 hours for debate equally divided on the amendment and that, at the conclusion or yielding back of the time, Senator COCHRAN be recognized to move to table the Daschle amendment. I further ask that no second-degree amendment be in order prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of morning business.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, July 13, 1998, the federal debt stood at $5,528,488,599,737.13 (Five trillion, five hundred twenty-eight billion, four hundred eighty-eight million, five hundred ninety-nine thousand, seven hundred thirty-seven dollars and thirteen cents).

Five years ago, July 13, 1993, the federal debt stood at $4,335,590,000,000 (Four trillion, three hundred thirty-five billion, five hundred ninety million).

Ten years ago, July 13, 1988, the federal debt stood at $2,550,221,000,000 (Two trillion, five hundred fifty billion, two hundred twenty-one million).

Fifteen years ago, July 13, 1983, the federal debt stood at $1,328,638,000,000 (One trillion, three hundred twenty-eight billion, six hundred thirty-eight million).

Twenty-five years ago, July 13, 1973, the federal debt stood at $454,997,000,000 (Four hundred fifty-four billion, nine hundred ninety-seven million) which reflects a debt increase of more than $5 trillion—$5,073,491,599,737.13 (Five trillion, seventy-three billion, four hundred ninety-one million, five hundred ninety-nine thousand, seven hundred thirty-seven dollars and thirteen cents) during the past 25 years.

CRIME IDENTIFICATION TECHNOLOGY ACT OF 1998

Mr. LEAHY. Mr. President, I am delighted that the Senate passed the

Crime Identification Technology Act of 1998, S. 2022.

I am proud to join Senator DEWINE in supporting our bipartisan legislation to authorize comprehensive Department of Justice grants to every state for criminal justice identification, information and communications technologies and systems. I applaud the Senator from Ohio, Senator DEWINE, for his leadership. I also commend the Chairman of the Judiciary Committee and the Democratic Leader for their strong support of the Crime Identification Technology Act.

I know from my experience in law enforcement in Vermont over the last 30 years that access to quality, accurate information in a timely fashion is of vital importance. As we prepare to enter the 21st Century, we must provide our state and local law enforcement officers with the resources to develop the latest technological tools and communications systems to solve and prevent crime. I believe this bill accomplishes that goal.

The Crime Identification Technology Act authorizes $250 million for each of the next five years in grants to states for crime information and identification systems. The Attorney General, through the Bureau of Justice Statistics, is directed to make grants to each state to be used in conjunction with units of local government, and other states, to use information and identification technologies and systems to upgrade criminal history and criminal justice record systems.

Grants made under our legislation may include programs to establish, develop, update or upgrade:

State, centralized, automated criminal history record information systems, including arrest and disposition reporting.

Automated fingerprint identification systems that are compatible with the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation.

Finger imaging, live scan and other automated systems to digitize fingerprints and to communicate prints in a manner that is compatible with systems operated by states and the Federal Bureau of Investigation.

Systems to facilitate full participation in the Interstate Identification Index (III).

Programs and systems to facilitate full participation in the Interstate Identification Index National Crime Prevention and Privacy Compact.

Systems to facilitate full participation in the National Instant Criminal Background Check System (NICS) for firearms eligibility determinations.

Integrated criminal justice information systems to manage and communicate criminal justice information among law enforcement, courts, prosecution, and corrections.

Non-criminal history record information systems relevant to firearms eligibility determinations for availability and accessibility to the NICS.

Court-based criminal justice information systems to promote reporting of dispositions to central state repositories and to the FBI and to promote the compatibility with, and integration of, court systems with other criminal justice information systems.

Ballistics identification programs that are compatible and integrated with the ballistics programs of the National Integrated Ballistics Network (NIBN).

Information, identification and communications programs for forensic purposes.

DNA programs for forensic and identification purposes.

Sexual offender identification and registration systems.

Domestic violence offender identification and information systems.

Programs for fingerprint-supported background checks for non-criminal justice purposes including youth service employees and volunteers and other individuals in positions of trust, if authorized by federal or state law and administered by a government agency.

Criminal justice information systems with a capacity to provide statistical and research products including incident-based reporting systems and uniform crime reports.

Online and other state-of-the-art communications technologies and programs.

Multi-agency, multi-jurisdictional communications systems to share routine and emergency information among federal, state and local law enforcement agencies.

Let me just give a couple of examples from my home State of Vermont that illustrate how our comprehensive legislation will aid state and local law enforcement agencies across the country.

The future of law enforcement must focus on working together to harness the power of today s information age to prevent crime and catch criminals. One way to work together is for state and local law enforcement agencies to band together to create efficiencies of scale. For example, together with New Hampshire and Maine, the State of Vermont has pooled its resources together to build a tri-state IAFIS system to identify fingerprints. Our bipartisan legislation would foster these partnerships by allowing groups of States to apply together for grants.

Another challenge for law enforcement agencies across the country is communication difficulties between federal, state and local law enforcement officials. In a recent report, the Department of Justice s National Institute of Justice concluded that law enforcement agencies throughout the nation lack adequate communications systems to respond to crimes that cross state and local jurisdictions.

A 1997 incident along the Vermont and New Hampshire border underscored this problem. During a cross border shooting spree that left four people dead including two New Hampshire state troopers, Vermont and New Hampshire officers were forced to park two police cruisers next to one another to coordinate activities between federal, state and local law enforcement officers because the two states' police radios could not communicate with one another.

The Vermont Department of Public Safety, the Vermont U.S. Attorney's Office and others have reacted to this communications problem by developing the Northern Lights proposal. This project will allow the northern borders States of Vermont, New York, New Hampshire and Maine to integrate their law enforcement communications systems to better coordinate interdiction efforts and share intelligence data seamlessly.

Our legislation would provide grants for the development of integrated Federal, State and local law enforcement communications systems to foster cutting edge efforts like the Northern Lights project.

In addition, our bipartisan legislation will help each of our States meet its obligations under national anti-crime initiatives. For instance, the FBI will soon bring online NCIC 2000 and IAFIS which will require states to update their criminal justice systems for the country to benefit. States are also being asked to participate in several other national programs such as sexual offender registries, national domestic violence legislation, Brady Act, and National Child Protection Act.

Currently, there are no comprehensive programs to support these national crime-fighting systems. Our legislation will fill this void by helping each State meet its obligations under these Federal laws.

The Crime Identification Technology Act provides a helping hand with the heavy hand of a top-down, Washington-knows-best approach. Unfortunately, some in Congress have pushed legislation mandating minute detail changes that States must make in their laws to qualify for Federal funds. Our bill rejects this approach. Instead, we provide the States with Federal support to improve their criminal justice idenfication, information and communication systems without prescribing new Federal mandates

Mr. President, we have patterned the administration of the technology grants under our bill after the highly successful DOJ National Criminal History Improvement Program (N-CHIP),which was created by the 1993 Brady Act.

The Vermont Department of Public Safety has received funds under the N-CHIP program for the past three years and I have been proud to strongly support their efforts. With that Federal assistance, Vermont has been achieved

acquiring the automated fingerprint identification system in conjunction with Maine and New Hampshire, upgrading its records repository computer systems, as well as extending their online incident-based reporting system to local jurisdictions throughout Vermont. Our bill builds on the Justice Department's existing infrastructure under the successful N-CHIP program to provide fair and effective grant administration.

I know that the Justice Department, under Attorney General Reno's leadership, has made it a priority to modernize and automate criminal history records. Our legislation will continue that leadership by providing each State with the necessary resources to continue to make important efforts to bring their criminal justice systems up to date.

I urge my colleagues in the House of Representatives to act quickly on the Crime Identification Technology Act to ensure that each State has the resources to capture the power of emerging information and communications technologies to serve and protect all of our citizens.

INTERSTATE IDENTIFICATION INDEX (III) COMPACT

Mr. LEAHY. Mr. President, I am delighted that the Senate passed, S.2294, the National Criminal History Access and Child Protection Act. I want to thank Senators HATCH, DEWINE and DASCHLE for their strong support of this legislation to enact the Interstate Identification Index (III) Compact.

This Compact is the product of a decade-long effort by federal and state law enforcement officials to establish a legal framework for the exchange of criminal history records for authorized noncriminal justice purposes, such as security clearances, employment or licensing background checks.

Since 1924, the FBI has collected and maintained duplicate state and local fingerprint cards, along with arrest and disposition records. Today, the FBI has over 200 million fingerprint cards in its system. These FBI records are accessible to authorized government entities for both criminal and authorized noncriminal justice purposes.

Maintaining duplicate files at the FBI is costly and leads to inaccuracies in the criminal history records, since follow-up disposition information from the States is often incomplete. Such a huge central database of routinely incomplete criminal history records raises significant privacy concerns.

In addition, the FBI releases these records for noncriminal justice purposes (as authorized by Federal law), to State agencies upon request, even if the State from which the records originated or the receiving State more narrowly restricts the dissemination of such records for noncriminal justice purposes.

The III Compact is an effort to get the FBI out of the business of holding a duplicate copy of every State and local criminal history record, and instead to keep those records at the State level. Once fully implemented, the FBI will only need to hold the Interstate Identification Index (III), consisting of the national fingerprint file and a pointer index to direct the requestor to the correct State records repository. The Compact would eliminate the necessity for duplicate records at the FBI for those States participating in the Compact. Eventually, when all the States become full participants in the Compact, the FBI s centralized files of state offender records will be discontinued and users of such records will obtain those records from the appropriate State's central repository (or from the FBI if the offender has a federal record).

The Compact would establish both a framework for this cooperative exchange of criminal history records for noncriminal justice purposes, and create a Compact Council with representatives from the FBI and the States to monitor system operations and issue necessary rules and procedures for the integrity and accuracy of the records and compliance with privacy standards. Importantly, this Compact would not in any way expand or diminish noncriminal justice purposes for which criminal history records may be used under existing State or Federal law.

Overall, I believe that the Compact would increase the accuracy, completeness and privacy protection for criminal history records.

In addition, the Compact would result in important cost savings from establishing a decentralized system. Under the system envisioned by the Compact, the FBI would hold only an index and pointer to the records maintained at the originating State. The FBI would no longer have to maintain duplicate State records. Moreover, States would no longer have the burden and costs of submitting arrest fingerprints and charge/disposition data to the FBI for all arrests. Instead, the State would only have to submit to the FBI the fingerprints and textual identification data for a person s first arrest.

With this system, criminal history records would be more up-to-date, or complete, because a decentralized system will keep the records closer to their point of origin in State repositories, eliminating the need for the States to keep sending updated disposition information to the FBI. To ensure further accuracy, the Compact would require requests for criminal history checks for noncriminal justice purposes to be submitted with fingerprints or some other form of positive identification, to avoid mistaken release of records.

Furthermore, under the Compact, the newly created Council must establish procedures to require that the most current records are requested and that when a new need arises, a new record check is conducted.

Significantly, the newly created Council must establish privacy enhancing procedures to ensure that requested criminal history records are only used by authorized officials for authorized purposes. Furthermore, the Compact makes clear that only the FBI and authorized representatives from the State repository may have direct access to the FBI index. The Council must also ensure that only legally appropriate information is released and, specifically, that record entries that may not be used for noncriminal justice purposes are deleted from the response.

Thus, while the Compact would require the release of arrest records to a requesting State, the Compact would also ensure that if disposition records are available that the complete record be released. Also, the Compact would require States receiving records under the Compact to ensure that the records are disseminated in compliance with the authorized uses in that State. Consequently, under the Compact, a State that receives arrest-only information would have to give effect to disposition-only policies in that State and not release that information for noncriminal justice purposes. Thus, in my view, the impact of the Compact for the privacy and accuracy of the records would be positive.

I am pleased to have joined with Senators HATCH and DEWINE to make a number of refinements to the Compact as transmitted by to us by the Administration. Specifically, we have worked to clarify that (1) the work of the Council includes establishing standards to protect the privacy of the records; (2) sealed criminal history records are not covered or subject to release for noncriminal justice purposes under the Compact; (3) the meetings of the Council are open to the public, and (4) the Council s decisions, rules and procedures are available for public inspection and copying and published in the Federal Register.

Commissioner Walton of the Vermont Department of Public Safety supports this Compact. He hopes that passage of the Compact will encourage Vermont to become a full participant in III for both criminal and noncriminal justice purposes, so that Vermont can reap the benefits of cost savings and improved data quality. The Compact is also strongly supported by the FBI and SEARCH.

We all have an interest in making sure that the criminal history records maintained by our law enforcement agencies at the local, State and Federal levels, are complete, accurate and accessible only to authorized personnel for legally authorized purposes. This Compact is a significant step in the process of achieving that goal.

PERFORMANCE OF BILL LANN LEE

Mr. LEAHY. Mr. President, the Senate Judiciary Committee has repeatedly postponed hearings regarding the performance of the Civil Rights Division of the Justice Department, including one that had been noticed for this morning. I am disappointed that this hearing was canceled because it would have offered us a chance to look at the outstanding on-the-job performance of Bill Lann Lee, our Acting Assistant Attorney General for Civil Rights.

At the end of last year, Bill Lee got caught up in one of the political whirlwinds that hit Washington every now and then. The result was that he became a victim of the right wing anti-affirmative action lobby and was denied a fair chance at a vote by the full Senate on his nomination to head the Civil Rights Division. Bill Lee was mischaracterized last fall as a wild-eyed radical and as someone ready to impose an extreme agenda on the United States. He was also mis-portrayed as a supporter of quotas.

I knew nothing could be further from the truth. After looking at Bill Lee's record, I knew he was a man who could effectively lead the Civil Rights Division, enforce the law and resolve disputes. I noted at the time: "He has been involved in approximately 200 cases in his 23 years of law practice, and he has settled all but six of them. Clearly, this is strong evidence that Mr. Lee is a problem solver and practical in his approach to the law. No one who has taken the time to thoroughly review his record could call him an idealogue." I recognized last fall that Bill Lee would be reasonable and practical in his approach to the job, and that he would be a top-notch enforcer of the Nation's civil rights laws.

Last December, after this nomination was blocked from going to the Senate for an up or down vote, the President and the Attorney General determined that the right thing to do was to have Bill Lee proceed to act as the head of the Civil Rights Division and to resubmit his nomination to the Senate. The Nation needs leadership in this important position. Bill Lee has been serving for seven months now, and he has established a solid track record. It is a shame that today's hearing was canceled, because it would have been a chance to show the Nation what an outstanding job he is doing for all Americans.

In preparation for the scheduled hearing, I have had a chance to take a close look at what Bill Lee has been doing while serving as the acting head of the Civil Rights Division. What I find is a record of strong accomplishments. In addition, I see professionalism and effective problem solving. I find him enforcing the law in a sensible and fair manner.

Over the past seven months, the Division has focused most intensely on three areas of the law: violations of our Nation's fair housing laws, enforcement of the Americans with Disabilities Act ("ADA"), and cases involving hate crimes. Bill Lee and his team of civil rights attorneys have made advances in each of these areas of the law.

The Division has resolved the following housing discrimination cases over the past few months:

An agreement was reached with two large New Jersey apartment complexes resolving allegations that the defendants had discriminated against potential renters based on family status and race. A housing discrimination case in Michigan was settled involving an apartment manager who told black applicants that no apartments were available at the same time that he was showing vacant apartments to white applicants. An agreement was also reached with the second largest real estate company in Alabama, which had been steering applicants to agents and residential areas based on race.

The Civil Rights Division has also focused on educating the public about the ADA and enforcing it where necessary. These cases have included: resolution of a case in Hawaii to allow those who are vision impaired to travel to the State without having to quarantine their guide dogs for four months in advance of arrival; a consent decree with the National Collegiate Athletic Association so that high school athletes with learning disabilities have the opportunity to compete for scholarships and participate in college athletics; an agreement with private hospitals in Connecticut to ensure patients who are deaf have access to sign-language interpreters; and assistance to the State of Florida to update their building code to bring it into compliance with the ADA. Florida joins Maine, Texas and Washington State in having a certified building code thereby ensuring better compliance with the ADA by architects, builders and contractors within the State.

The Civil Rights Division has also resolved several hate crimes cases over the past seven months, including: In Idaho, six men pled guilty to engaging in a series of racially motivated attacks on Mexican American men, women and children, some as young as 9; in Arizona, three members of a skinhead group pled guilty to burning a cross in the front yard of an African American woman; and in Texas, a man pled guilty to entering a Jewish temple and firing several gun shots while shouting anti-Semitic slurs.

The Division has also been vigorously enforcing its criminal statutes, including: indictments against three people in Arkansas charged with church burning; guilty pleas by 16 Puerto Rico correctional officers who beat 22 inmates and then tried to cover it up; cases arising from Mexican women and girls, some as young as 14, being lured to the U.S. and then being forced into prostitution; and guilty pleas from 18 defendants who forced 60 deaf Mexican nationals to sell trinkets on the streets of New York. Out of concerns about slavery continuing in the U.S., Bill Lee has created a Worker Exploitation Task Force to coordinate enforcement efforts with the Department of Labor. I commend Mr. Lee for putting the spotlight on these shameful crimes.

Other significant cases which the Civil Rights Division has handled in the past few months include the following: several long-standing school desegregation cases were settled or their consent decrees were terminated, including cases in Kansas City, Kansas; San Juan County, Utah; and Indianapolis, Indiana. Japanese-Latin Americans who were deported and interned in the United States during World War II finally received compensation this year. Lawsuits in Ohio and Washington, D.C. were settled to allow women access to women's health clinics.

This record indicates that Bill Lee has been running the Division the way it should be run. Here in Washington, where we have lots of show horses, Bill Lee is a work horse—a dedicated public official who is working hard to help solve our Nation's problems. I like people who get the job done. I commend Bill Lann Lee and the many hard-working professionals at the Civil Rights Division.

Bill Lee has served as acting head of the Civil Rights Division for seven months now. Given the claims made by many in the Senate last fall that Mr. Lee would lead the Division astray, you might expect that he would be in the headlines every day associated with some extreme decision. Instead, we have seen the strong and steady work of the Division—solid achievements and effective law enforcement.

Just last week, I received a letter from Governor Zell Miller of Georgia that is emblematic of the record that Bill Lee has established. Governor Miller discusses Bill Lee's efficient and effective ability to settle an action which involved Georgia's juvenile detention facilities. He notes that he was not exactly a fan of the Civil Rights Division before Bill Lee came along and writes that he "was fearful that Georgia would be unable to get a fair forum in which to present our position, and that we would once again be compelled to engage in protracted and expensive litigation." Governor Miller writes that his fears were unfounded, that the parties engaged in "intensive and expeditious negotiations" and reached a fair agreement. Governor Miller also notes:

I have indicated to Mr. Lee both personally and publicly that he and his staff treated Georgia with professionalism, fairness, and respect during our negotiations. Under the

direction of Bill Lann Lee, what began as a potentially divisive and litigious process was transformed into an atmosphere where the State was able to have its case heard fairly, resulting in a reasonable agreement benefiting all parties. This is the way in which the Civil Rights Division should operate in its dealings with the states, and I am pleased to commend Mr. Lee and his staff for their efforts in this matter.

Bill Lee continues to build on his reputation as a professional and effective negotiator who routinely earns praise from opposing parties. I had high expectations for Bill Lee when he was nominated and I have not been disappointed. He is doing a terrific job, and I know that he will keep up the good work.

The President renominated Bill Lann Lee to be Assistant Attorney General in charge of the Civil Rights Division on January 29 of this year. Given his outstanding performance over the past seven months, I hope Chairman HATCH and the other Republican members of the Judiciary Committee will reconsider his nomination, review his record and favorably report the nomination of Bill Lee to the Senate so that he may be confirmed as the Assistant Attorney General for Civil Rights. Bill Lee deserves it.

I ask unanimous consent that the letter from Governor Miller of Georgia be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF GEORGIA,
OFFICE OF THE GOVERNOR,
Atlanta, July 9, 1998.

Hon. ORRIN HATCH,
U.S. Senate, Russell Senate Office Building, Washington, DC.

Hon. PATRICK LEAHY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATORS HATCH AND LEAHY: It is my understanding that you are conducting an oversight hearing concerning the Civil Rights Division of the United States Department of Justice. The purpose of this letter is to advise you of the State of Georgia's recent experience with the Civil Rights Division, which ultimately resulted in a joint agreement concerning our state juvenile detention facilities.

During much of 1997, representatives of the Civil Rights Division investigated certain alleged conditions and practices in detention facilities operated by Georgia's Department of Juvenile Justice. The Justice Department received full cooperation from state officials during its investigation

When the Justice Department's findings letter was released earlier this year, I was very upset with the manner in which the letter was issued and many of the comments contained in that correspondence. Frankly, given our state's prior experiences with the Department of Justice in general, and the Civil Rights Division in particular, I was fearful that Georgia would be unable to get a fair forum in which to present our position, and that we would once again be compelled to engage in protracted and expensive litigation.

I, members of my staff, and the Attorney General of Georgia made these concerns known to Acting Assistant Attorney General Bill Lann Lee and other Justice Department officials. We indicated a willingness to discuss the Justice Department's concerns and reach a reasonable resolution, as long as the legitimate interests of the State of Georgia in insuring public safety and developing its own policies would be honored.

After intensive and expeditious negotiations, the State of Georgia and the Department of Justice, through its Civil Rights Division directed by Mr. Lee, arrived at a Memorandum of Agreement which recognizes Georgia's legitimate interests to protect its citizens and set its own policies while, at the same time, improve services for youths in state custody. I have indicated to Mr. Lee both personally and publicly that he and his staff treated Georgia with professionalism, fairness, and respect during our negotiations.

Under the direction of Bill Lann Lee, what began as a potentially divisive and litigious process was transformed into an atmosphere where the State was able to have its case heard fairly, resulting in a reasonable agreement benefiting all parties.

This is the way in which the Civil Rights Division should operate in its dealings with the states, and I am pleased to commend Mr. Lee and his staff for their efforts in this manner.

With kindest regards, I remain.

Sincerely,

ZELL MILLER.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting one nomination which was referred to the Committee on Energy and Natural Resources.

(The nomination received today is printed at the end of the Senate proceedings.)

REPORT CONCERNING THE COMPREHENSIVE NATIONAL ENERGY STRATEGY—MESSAGE FROM THE PRESIDENT—PM 142

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources.

To the Congress of the United States:

I am pleased to transmit the Comprehensive National Energy Strategy (Strategy) to the Congress. This report required by section 801 of the Department of Energy Organization Act (Public Law 95–91; 42 U.S.C. 7321(b)), highlights our national energy policy. It contains specific objectives and plans for meeting five essential, common sense goals enumerated in the accompanying message from Secretary Peña.

Energy is a global commodity of strategic importance. It is also a key contributor to our economic performance, and its production and use affect the environment in many ways. Thus, affordable, adequate, and environmentally benign supplies of energy are critical to our Nation's economic, environmental, and national security.

The Strategy reflects the emergence and interconnection of three preeminent challenges in the late 1990s: how to maintain energy security in increasingly globalized energy markets; how to harness competition in energy markets both here and abroad; and how to respond to local and global environmental concerns, including the threat of climate change. The need for research and development underlies the Strategy, which incorporates recommendations of my Committee of Advisors on Science and Technology (PCAST) for improvements in energy technologies that will enable the United States to address our energy-related challenges. Advances in energy technology can strengthen our economy, reduce our vulnerability to oil shocks, lower the cost of energy to consumers, and cut emissions of air pollutants as well as greenhouse gases.

This Strategy was developed over several months in an open process. Three public hearings were held earlier this year in California, Texas, and Washington, D.C., and more than 300 public comments were received. This Strategy is not a static document; its specifics can be modified to reflect evolving conditions, while the framework provides policy guidance into the 21st century. My Administration looks forward to working with the Congress to implement the Strategy and to achieve its goals in the most effective manner possible.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 14, 1998.*

REPORT ON FEDERAL ADVISORY COMMITTEES FOR FISCAL YEAR 1997—MESSAGE FROM THE PRESIDENT—PM 143

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

To the Congress of the United States:

As provided by the Federal Advisory Committee Act (FACA), as amended (Public Law 92–463; 5 U.S.C. App. 2, 6(c)), I am submitting the *Twenty-sixth Annual Report on Federal Advisory Committees*, covering fiscal year 1997.

Consistent with my commitment to create a more responsive government, the executive branch continues to implement my policy of maintaining the number of advisory committees within the ceiling of 534 required by Executive Order 12838 of February 10, 1993. As a result, the number of discretionary advisory committees (established under

general congressional authorizations) was held to 467, or 42 percent fewer than those 801 committees in existence at the beginning of my Administration.

Through the advisory committee planning process required by Executive Order 12838, the total number of advisory committees specifically mandated by statute has declined. The 391 such groups supported at the end of fiscal year 1997 represents a 4 percent decrease over the 407 in existence at the end of fiscal year 1996. Compared to the 439 advisory committees mandated by statute at the beginning of my Administration, the net total for fiscal year 1997 reflects an 11 percent decrease since 1993.

Furthermore, my Administration will assure that the total estimated costs to fund these groups in fiscal year 1998, or $43.8 million, are dedicated to support the highest priority public involvement efforts. We will continue to work with the Congress to assure that all advisory committees that are required by statute are regularly reviewed through the congressional reauthorization process and that any such new committees proposed through legislation are closely linked to national interests.

Combined savings achieved through actions taken by the executive branch to eliminate unneeded advisory committees during fiscal year 1997 were $2.7 million, including $545,000 saved through the termination of five advisory committees established under Presidential authority.

During fiscal year 1997, my Administration successfully worked with the Congress to clarify further the applicability of FACA to committees sponsored by the National Academy of Sciences (NAS) and the National Academy of Public Administration (NAPA). This initiative resulted in the enactment of the Federal Advisory Committee Act Amendments of 1997 (Public Law 105–153), which I signed into law on December 17, 1997. The Act provides for new and important means for the public and other interested stakeholders to participate in activities undertaken by committees established by the Academies in support of executive branch decisionmaking processes.

As FACA enters its second quartercentury during fiscal year 1998, it is appropriate for both the Congress and my Administration to continue examining opportunities for strengthening the Act's role in encouraging and promoting public participation. Accordingly, I am asking the Administrator of General Services to prepare a legislative proposal for my consideration that addresses an overall policy framework for leveraging the public's role in Federal decisionmaking through a wide variety of mechanisms, including advisory committees.

By jointly pursuing this goal, we can fortify what has been a uniquely American approach toward collaboration. As so aptly noted by Alexis de Tocqueville in *Democracy in America* (1835), "In democratic countries knowledge of how to combine is the mother of all other forms of knowledge; on its progress depends that of all the others." This observation strongly resonates at this moment in our history as we seek to combine policy opportunities with advances in collaboration made possible by new technologies, and an increased desire of the Nation's citizens to make meaningful contributions to their individual communities and their country.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 14, 1998.*

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on July 14, 1998, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 2282. An act to amend the Arms Export Control Act, and for other purposes.

ENROLLED BILL SIGNED

The following enrolled bill, previously signed by the Speaker pro tempore of the House, was signed on today, July 14, 1998, by the President pro tempore (Mr. THURMOND):

H.R. 1635. An act to establish within the United States National Park Service the National Underground Railroad Network to Freedom program, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–6000. A communication from the Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Texas Closure" received on July 10, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6001. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Metric Equivalents" (RIN2137–AC98) received on July 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6002. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; Winter Harbor Lobster Boat Race, Winter Harbor, ME" (Docket 01–96–008) received on July 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6003. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area; Ohio River, Mile 461.0–462.0, Cincinnati, OH" (Docket 08–98–038) received on July 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6004. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations; Beaufort Channel, Beaufort, North Carolina" (Docket 05–97–080) received on July 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6005. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; Norfolk Harbor, Elizabeth River, Norfolk and Portsmouth, Virginia" (Docket 05–98–046) received on July 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6006. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; Swim Buzzards Bay Day, New Bedford, MA" (Docket 01–96–015) received on July 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6007. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations; Baptiste Collette Bayou Channel, Mile 11.5, Left Descending Bank, Lower Mississippi River, Above Head of Passes" received on July 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6008. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; Parker International Waterski Marathon" (Docket 11–98–001) received on July 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6009. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; Virginia is for Lovers Cup Unlimited Hydroplane Races, Willoughby Bay, Norfolk, Virginia" (Docket 05–98–045) received on July 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6010. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; Dragon Boat Races, Inner Harbor, Baltimore, Maryland" (Docket 05–98–047) received on July 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6011. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300, A310, A300–600 Series Airplanes" (Docket 98–NM–132–AD) received on July 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6012. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes" (Docket 98–NM–93–AD) received on July 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6013. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767 Series Airplanes" (Docket 98–NM–95–AD) received on July 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6014. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Series Airplanes" (Docket 98–NM–145–AD) received on July 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6015. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Johnson City, TX" (Docket 98–ASW–33) received on July 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6016. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E Airspace; Spofford, TX" (Docket 98–ASW–21) received on July 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6017. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747–400, 757, 767, and 777 Series Airplanes Equipped with AlliedSignal RIA–35B Instrument Landing System Receivers" (Docket 98–NM–155–AD) received on July 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6018. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 Series Airplanes, and Model F27 Mark 050 Series Airplanes" (Docket 97–NM–139–AD) received on July 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6019. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbopropeller-Powered McDonnell Douglas Model DC–3 and DC–3C Series Airplanes" (Docket 97–NM–72–AD) received on July 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6020. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class D Airspace, San Diego, North Island NAS, CA" (Docket 98–AWP–14) received on July 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6021. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dornier Model 328–100 Series Airplanes" (Docket 98–NM–123–AD) received on July 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6022. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Morgan City, LA" (Docket 98–ASW–36) received on July 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6023. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Refugio, TX" (Docket 98–ASW–34) received on July 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6024. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Pascagoula, MS" (Docket 98–ASW–38) received on July 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6025. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Cameron, LA" (Docket 98–ASW–38) received on July 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6026. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Theodore, AL" (Docket 98–ASW–39) received on July 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6027. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class D Airspace; San Antonio, Kelly AFB, TX" (Docket 98–ASW–35) received on July 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6028. A communication from the Secretary of Defense, transmitting, notice of military retirements; to the Committee on Armed Services.

EC–6029. A communication from the Director, Operational Test and Evaluation, Office of the Secretary of Defense, transmitting, certification that realistic survivability testing of the DDG 51 Flight IIA class of naval ship would be unreasonably expensive and impractical; to the Committee on Armed Services.

EC–6030. A communication from the Chief Counsel of the Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Sudanese Sanctions Regulations" received on June 29, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–6031. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule regarding 1993 Periodic Carbon Monoxide Emission Inventories for Colorado (FRL6124–4) received on July 10, 1998; to the Committee on Environment and Public Works.

EC–6032. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Maritime Terrorism: A Report to Congress" for calendar year 1997; to the Committee on Foreign Relations.

EC–6033. A communication from the Assistant Secretary of Labor for Occupational Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled "Standards Improvement (Miscellaneous Changes) For General Industry and Construction Standards; Paperwork Collection of Coke Oven Emissions and Inorganic Arsenic" (RIN1218–AB53) received on July 8, 1998; to the Committee on Labor and Human Resources.

EC–6034. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Schedule for Rating Disabilities: Cold Injuries" (RIN2900–AI46) received on July 10, 1998; to the Committee on Veterans Affairs.

EC–6035. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Provision of Drugs and Medicines to Certain Veterans in State Homes" (RIN2900–AJ34) received on July 10, 1998; to the Committee on Veterans Affairs.

EC–6036. A communication from the Chairman of the National Labor Relations Board, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1997 through March 31, 1998; to the Committee on Governmental Affairs.

EC–6037. A communication from the Principal Deputy, Acquisition and Technology, Department of Defense, transmitting, pursuant to law, the report of Department of Defense purchases from foreign entities for fiscal year 1997; to the Committee on Armed Services.

EC–6038. A communication from the Secretary of Defense, transmitting, pursuant to law, a report entitled "Military Capabilities of the People's Republic of China"; to the Committee on Armed Services.

EC–6039. A communication from the Acting Chairman of the Depositor Protection Oversight Board, transmitting, pursuant to law, the report on the Resolution Funding Corporation for calendar year 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–6040. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the Federal Transit Administration's charter bus demonstration program; to the Committee on Environment and Public Works.

EC–6041. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted for Direct Addition to Food for Human Consumption; Acesulfame Potassium" (Docket 93F–0286) received on July 9, 1998; to the Committee on Labor and Human Resources.

EC–6042. A communication from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "General Services Administration Acquisition Regulation; 10 Day Payment Clause for Certain Federal Supply Service Contracts and Authorized Price Lists Under Federal Supply Service" (RIN3090–AG47) received on July 9, 1998; to the Committee on Governmental Affairs.

EC–6043. A communication from the Acting Assistant Attorney General, Department of Justice, transmitting, pursuant to law, a report on the Civil Rights of Institutionalized Persons Act for fiscal year 1997; to the Committee on the Judiciary.

EC–6044. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within seven days of enactment (Report 445); to the Committee on the Budget.

EC–6045. A communication from the President of the United States, transmitting, pursuant to law, a report on the emigration laws and policies of Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Moldova, the Russian Federation, Tajikistan,

Turkmenistan, Ukraine, and Uzbekistan; to the Committee on Finance.

EC–6046. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Gypsy Moth Generally Infested Areas" (Docket 98–072–1) received on July 13, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6047. A communication from the Acting Associate Chief of the Forest Service, Department of Agriculture, transmitting, pursuant to law, a report of Forest Service accomplishments for fiscal year 1997; to the Committee on Agriculture, Nutrition, and Forestry.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MACK (for himself, Mr. BREAUX, Mr. CHAFEE, Mr. MURKOWSKI, Mr. HATCH, Mr. D'AMATO, Mr. ROCKEFELLER, Mr. GRAMM, Mr. WARNER, Mrs. HUTCHISON, Mr. DODD, Mr. GREGG, Mr. ROBB, Mr. THURMOND, Mr. LIEBERMAN, and Mr. COCHRAN):

S. 2296. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the amount of receipts attributable to military property which may be treated as exempt foreign trade income; to the Committee on Finance.

By Mr. GORTON:

S. 2297. A bill to provide for the distribution of certain publications in units of the National Park System under a sales agreement between the Secretary of the Interior and a private contractor; to the Committee on Energy and Natural Resources.

S. 2298. A bill to provide for enforcement of title II of the Civil Rights Act of 1968, commonly known as the "Indian Civil Rights Act"; to the Committee on Indian Affairs.

S. 2299. A bill to provide for the enforcement of certain contracts made by Indian tribes; to the Committee on Indian Affairs.

S. 2300. A bill to provide for the collection of certain State taxes from an individual who is not a member of an Indian tribe; to the Committee on Indian Affairs.

S. 2301. A bill to provide for accountability by Indian tribes under certain Federal environmental laws, and for other purposes; to the Committee on Indian Affairs.

S. 2302. A bill to provide for tort liability insurance for Indian tribes, and for other purposes; to the Committee on Indian Affairs.

By Mr. LEAHY (for himself and Mr. BIDEN):

S. 2303. A bill to deter and punish international crime, to protect United States nationals and interests at home and abroad, and to promote global cooperation against international crime; to the Committee on the Judiciary.

By Mr. BENNETT:

S. 2304. A bill to amend the Internal Revenue Code of 1986 to allow the carryover of unused nontaxable benefits under cafeteria plans, flexible spending arrangements, and health flexible spending accounts; to the Committee on Finance.

By Mr. DURBIN:

S. 2305. A bill for the relief of Nizar Sweilem and Hassan Sweilem; to the Committee on the Judiciary.

By Mr. BURNS (for himself and Mr. MCCAIN):

S. 2306. A bill to require the Federal Communications Commission to modify its duopoly rule for multiple ownership of television stations; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MACK (for himself, Mr. BREAUX, Mr. CHAFEE, Mr. MURKOWSKI, Mr. HATCH, Mr. D'AMATO, Mr. ROCKEFELLER, Mr. GRAMM, Mr. WARNER, Mrs. HUTCHISON, Mr. DODD, Mr. GREGG, Mr. ROBB, Mr. THURMOND, Mr. LIEBERMAN, and Mr. COCHRAN):

S. 2296. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the amount of receipts attributable to military property which may be treated as exempt foreign trade income; to the Committee on Finance.

DEFENSE JOBS AND TRADE PROMOTION ACT OF 1998

Mr. MACK. Mr. President, I rise to introduce the Defense Jobs and Trade Promotion Act of 1998. This bill will eliminate a provision of tax law which discriminates against United States exporters of defense products.

Other nations have systems of taxation which rely less on corporate income taxes and more on value-added taxes. By rebating the value-added taxes for products that are exported, these nations lower the costs of their exports and provide their companies a competitive advantage that is not based on quality, ingenuity, or resources but rather on tax policy.

In an attempt to level the playing field, our tax code allows U.S. companies to establish Foreign Sales Corporations (FSCs) through which U.S.-manufactured products may be exported. A portion of the profits from FSC sales are exempted from corporate income taxes, to mitigate the advantage that other countries give their exporters through value-added tax rebates.

But the tax benefits of a FSC are cut in half for defense exporters. This 50% limitation is the result of a compromise enacted 22 years ago as part of the predecessor to the FSC provisions. This compromise was not based on policy considerations, but instead merely split the difference between members who believed that the U.S. defense industry was so dominant in world markets that the foreign tax advantages were inconsequential, and members who believed that all U.S. exporters should be treated equally.

Today, U.S. defense manufacturers face intense competition from foreign businesses. With the sharp decline in the defense budget over the past decade, exports of defense products play a prominent role in maintaining a viable U.S. defense industrial base. It makes no sense to allow differences in international tax systems to stand as an obstacle to exports of U.S. defense products. We must level the international playing field for U.S. defense product manufacturers.

The fifty percent exclusion for sales of defense products makes even less sense when one considers that the sale of every defense product to a foreign government requires the determination of both the President and the Congress that the sale will strengthen the security of the United States and promote world peace. This is more than a matter of fair treatment for all U.S. exporters. National security is enhanced when our allies use U.S.-manufactured military equipment, because of its compatibility with equipment used by our armed forces.

The bill I am introducing today will repeal the provision of the Foreign Sales Corporation laws that discriminates against U.S. defense product manufacturers, enhancing both the competitiveness of U.S. companies in world markets and our national security.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Defense Jobs and Trade Promotion Act of 1998".

SEC. 2. REPEAL OF LIMITATION ON RECEIPTS ATTRIBUTABLE TO MILITARY PROPERTY WHICH MAY BE TREATED AS EXEMPT FOREIGN TRADE INCOME.

(a) IN GENERAL.—Subsection (a) of section 923 of the Internal Revenue Code of 1986 (defining exempt foreign trade income) is amended by striking paragraph (5) and by redesignating paragraph (6) as paragraph (5).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. GORTON:

S. 2297. A bill to provide for the distribution of certain publications in units of the National Park System under a sales agreement between the Secretary of the Interior and a private contractor; to the Committee on Energy and Natural Resources.

NATIONAL PARKS MAGAZINE PROPOSAL LEGISLATION

• Mr. GORTON. Mr. President, as Chairman of the Senate Interior Appropriations Subcommittee responsible for funding the National Park System's annual budget and as a long time resident of Washington State—home to some of the true crown jewels of the system, I have long held both a personal and professional interest in ensuring that our parks are adequately funded and well maintained.

Unfortunately in recent years due to declining budgets, more units added to

the system, and substantial increases in visitation, our park system faces some serious challenges. All told, the total unfunded backlog in maintenance, resource stabilization, infrastructure repair and employee housing alone is a staggering $8.7 billion.

While I have done everything I can to ensure that the National Park Service receives annual increases at a time when overall funding for the Department of Interior continues to decline, the fact is new, innovative ideas are imperative to overcome this desperate situation. For this reason, I have promoted such ideas in my Interior Appropriations bill.

One idea that was incorporated into our bill during the 104th Congress was the establishment of the recreation fee demonstration program. Under this three-year pilot program, individual units of the National Park and National Forest systems that charge an additional entry fee get to keep 80% of the receipts collected from that fee within the park or forest unit to help address the backlog of operational and maintenance needs.

The user fee program is designed to give each unit more authority over the resources needed to maintain facilities, to repair roads and other areas in need of up keep. While nobody likes higher fees, I have long believed that the public is willing to pay more to visit these national treasures if it could be assured that such increases went to addressing critical needs at the parks they visited. The recreation fee demonstration program is a small, but positive step forward in this direction.

More recently, I have gotten behind the ideas and efforts of Senator CRAIG THOMAS, Chairman of the authorizing subcommittee on national parks. Senator THOMAS recently developed a comprehensive and forward thinking proposal to reinvigorate the park system. In addition to making my Recreation Fee Demonstration Program permanent and extending it to all units of the National Park System, Senator THOMAS' proposal which passed the Senate last month contains a number of reforms which would improve overall services at our parks and hopefully generate more revenue. I am pleased to have supported Senator THOMAS in this effort both as a fellow member of the Senate Energy Committee and on the Senate floor.

In addition to my colleagues and my own ideas, I am also relying on the suggestions of the recreation community in my state of Washington which is home to the Olympic, Mount Ranier, and North Cascades National Parks. Recently, I was approached by Mr. John Taylor, a constituent of mine from the Seattle area, who came up with a thoughtful—albeit narrower proposal—which only furthers the interests of the system. This idea would create a National Park Service magazine similar to that established by the National Smithsonian Institution through its publication of the Smithsonian Magazine.

A National Park magazine would be created for people who visit or have a particular interest in our parks, their programs, and purpose. The plan is to create a high quality commercial consumer publication that will have broad appeal and park specific sections that will provide useful information and serve as a guide for the park where a specific edition is distributed.

Revenue generated from the sale of advertising in the magazine as well as from the sale of the publication itself would go directly to the Park in which the magazines are sold. Proponents of such a project inform me that such a magazine would generate $45 million for the National Park Service over the first 5 years of publication and $10–$12 million each year thereafter.

Unfortunately, current Park Service regulations severely restrict the sale of publications which contain advertising in units of the national park. Existing regulations are unnecessary in this case because a magazine for the national parks would no more commercialize the parks than the Smithsonian Magazine commercializes the Smithsonian Institution.

Ads in a Park publication are very different than corporate signs and corporate sponsorships in the parks. Magazines are invisible except to those who purchase them. They don't enter the landscape in any way. They don't alter infrastructure. They don't use facilities. They don't express or imply any kind of ownership or funding of any part of the Parks by sponsoring companies. Nor do they imply an endorsement of the product by the National Park Service. Moreover, individual parks have for years distributed information, maps and so on which contain ads from local community sponsors to cover their cost. A National Park Service magazine is merely an expansion of this idea.

Because of current NPS administrative roadblocks, I am introducing legislation which would correct this problem and allow the Park Service to begin consideration of magazine proposals. The entire cost of the project will be covered by the advertising and sales revenue the publication will generate through the large anticipated readership. The Park Service not only gains a vehicle for educating and informing the public about Parks—something that has been sorely needed for years—it does so at no cost. In fact under this proposal, it could do so while generating revenue for the Parks.

While the revenue generated from this proposal is a mere pittance compared to the multibillion backlog our parks currently face, the continued development and implementation of ideas such as this are critical to the long term restoration of our parks. I believe every Senator has an obligation to listen to good ideas at the grass roots level that help solve this growing problem. With budgets continuing to decline and demands only increasing for recreational outlets. Congress must continue to rely on the interested public for creative solutions that will generate more revenue for this important purpose.•

By Mr. BENNETT:

S. 2304. A bill to amend the Internal Revenue Code of 1986 to allow the carryover of unused nontaxable benefits under cafeteria plans, flexible spending arrangements, and health flexible spending accounts; to the Committee on Finance.

FLEXIBLE SPENDING ACCOUNTS LEGISLATION

• Mr. BENNETT. Mr. President, today I introduce a bill to provide individuals with greater control over their health care choices and dollars. This legislation will allow individuals enrolled in Flexible Spending Accounts (FSA) at year's end to move unutilized funds in the amount of $500 or less to other tax protected accounts such as: a medical savings account, an individual retirement account or a 401k account.

A flexible spending account is one of the options available to employers as they provide benefits to their employees. At the beginning of the year the employer gives the employee a set number of pre-tax benefit dollars which they can then allocate to any one or combination of the IRS approved FSA uses: health care, life insurance, day care, vacation, or retirement. The employee then must determine at the beginning of the year the number of dollars they will put in each account. In most cases the employee hopes they have made the appropriate allocation. If the employee has over funded a particular account they lose those benefit dollars at the end of the year.

About 21.7 million Americans lose between $125 to $200 every year because of a 1984 Internal Revenue Service regulation that governs FSAs. Every year Americans lose between $4.3 and $2.7 billion due to this IRS regulation! The regulation mandates that individuals with FSAs must either "use-it-or-lose-it." In other words, if you do not spend your money by the end of the year, your employer gets to keep the money you don't spend!

This legislation will allow individuals enrolled in flexible spending accounts at year's end to "rollover" or move up to $500 per year from their FSA into one of the approved accounts including: IRAs, MSAs, or 401ks. The funds rolled over into an appropriate account would be treated for tax purposes as a rollover contribution for the taxable year from which it was unused. The $500 allowable rollover would be indexed in increments of $50 and rounded to the lowest multiple of $50.

I believe this small change would have a significant impact on individuals and their health care. First, the incentive would be to spend these dollars only on health care services that are necessary, thus encouraging rational health care spending rather than the irrational health care spending promoted by the "use-it-or-lose-it" policy. Second, individuals would be more inclined to open up a MSA, and in doing so they would have both greater portability and greater choice. This would empower individuals by giving them greater control over their own health care dollars and expand access and choice. Third, more rational spending is likely to translate into lower health care costs and greater competition.

I hope the Senate will act swiftly to hold hearings and to move this legislation through the committee process to the Senate floor for final consideration. I would urge my colleagues to support this legislation and would welcome their cosponsorship.●

By Mr. DURBIN:

S. 2305. A bill for the relief of Nizar Sweilem and Hassan Sweilem; to the Committee on the Judiciary.

PRIVATE RELIEF LEGISLATION

● Mr. DURBIN. Mr. President, today I introduce a private relief bill, under the Immigration and Nationality Act, that would grant Nizar and Hassan Sweilem permanent residence in the United States. Nizar and Hassan Sweilem are natives and citizens of Lebanon. They are also brothers.

The Sweilem brothers have lived in Des Plaines, Illinois for fourteen years and have made the most of this opportunity to obtain a first-class education in this country. Nizar recently earned a Ph.D. in biochemistry from the University of Illinois at Chicago. Hassan earned a B.S. in Political Science and is completing a degree in Computer Science also at the University of Illinois.

Both Nizar and Hassan were born in Beirut, Lebanon. They entered the United States as children in August of 1983 to visit relatives. When they entered the United States, they were accompanied by their mother, and their maternal uncle. Their uncle returned early to Lebanon and was killed two weeks later when a rocket destroyed the Sweilem family home.

In April of 1984, because of her brother's murder and her own fear of persecution, Leila Sweilem applied to the INS for asylum in the United States without the assistance of counsel. Nizar and Hassan Sweilem were included in their mother's application since they were her minor children. Since 1984, the Sweilem brothers have been pursuing the right to live legally in the United States as permanent residents.

In 1985, the INS denied the Sweilems' request for asylum and initiated deportation proceedings against the family. Leila, Nizar and Hassan renewed their application for asylum in their hearing before an Immigration Judge, but those requests were denied. The Sweilems appealed that decision, but before any decision was issued, the Attorney General designated nationals of Lebanon eligible for Temporary Protected Status on account of the extreme level of violence created by the Lebanese civil war. TPS for citizens of Lebanon continued until March of 1993.

In August of 1993, Hassan and Nizar asked that their asylum appeal be reinstated and that their case be remanded to allow them to apply for suspension of deportation. In November of 1994, Hassan and Nizar applied for suspension of deportation. While their application was pending, Congress passed the Illegal Immigration Reform and Responsibility Act in September of 1996. This law retroactively made Nizar and Hassan ineligible for suspension of deportation and left them with no alternate remedy. The 1996 Act eliminated suspension of deportation and established a new form of relief entitled cancellation of removal that required an applicant to accrue ten years of continuous residence as of the date of the initial notice charging the applicant with being removable. Despite the fact that at that time the Sweilem brothers had twelve years of continuous residence in the U.S., the time accrued after the denial of their mother's initial asylum request does not count.

Last year, this Congress recognized that these new provisions could result in grave injustices to certain groups of people, so in November of 1997, the Nicaraguan and Central American Relief Act granted relief to certain citizens of former Soviet block countries and several Central American countries.

That law allowed several hundred thousand Central Americans and former Soviet Union or Warsaw Pact countries, who came to the U.S. during the civil strife of the 1980's to adjust to permanent resident status under more lenient hardship rules that existed prior to the 1996 change. The U.S. had allowed Central Americans to reside and work here for over a decade, during which time many of them established families, careers and community ties. If Nizar and Hassan Sweilem were citizens of Nicaragua, El Salvador Guatemala or any of the former Communist countries of Eastern Europe, they could continue to pursue their applications for suspension of deportation. The fact that they are citizens of Lebanon makes them ineligible for relief.

Nizar and Hassan Sweilem have lived in the United States for almost 15 years, since they were 12 and 14, respectively. They have taken full advantage of their educational opportunities and are more than capable of caring for themselves. The brothers will face undue hardship by returning to Lebanon, as evidenced by their uncle's murder. The Sweilem brothers' extended family now resides in the United States, and the brothers have strong ties to the local community. My office has received numerous letters from the community on their behalf, including a letter from the Director of Graduate Studies at the University of Illinois. They have no family left in Lebanon and have never visited it in the last 15 years.

The Sweilem brothers have spent more than half their lives in the United States. At every step, the Sweilems took American law at its word: they always attempted to follow the law only to have Congress suddenly pull the rug out from under them. I think this is an injustice and these two brothers from Lebanon deserve the same relief that we gave people from Nicaragua, El Salvador and Czechoslovakia. Mr. President, I ask you and my fellow colleagues to support these Lebanese brothers by giving them permanent residence status and not depriving them of the opportunity to become United States citizens.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2305

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Nizar Sweilem and Hassan Sweilem shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Nizar Sweilem and Hassan Sweilem, as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).●

By Mr. BURNS (for himself and Mr. MCCAIN):

S. 2306. A bill to require the Federal Communications Commission to modify its duopoly rule for multiple ownership of television stations; to the Committee on Commerce, Science, and Transportation.

FEDERAL COMMUNICATIONS COMMISSION LEGISLATION

● Mr. BURNS. Mr. President, today I introduce legislation that would eliminate the outdated broadcast ownership restrictions in place at the Federal Communications Commission. I am pleased to note that I am introducing

this legislation with the co-sponsorship of the Chairman of the Commerce Committee. I welcome Senator MCCAIN's support on this issue and look forward to working with him to make sure that these impractical restrictions are eliminated.

Currently, the FCC disallows ownership of stations in separate markets if the broadcast signals overlap. For example, a broadcaster may not now own a station in each of the Washington, DC, and Baltimore markets. I believe that ownership of stations with overlapping signals should be allowed if the stations are licensed to communities in different markets. Practical ownership policies will encourage the construction of new television stations and broadcast networks that will promote increased consumer choice.

In the Senate Communications Subcommittee, I have recently held numerous FCC oversight hearings on how best to create a regulatory framework for the age of competition. I believe this bill will help to move in the direction of deregulation and I look forward to working with my colleagues to ensure its passage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2306

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MULTIPLE OWNERSHIP RULES.

The Federal Communications Commission shall modify the television contour overlap rule set forth at section 73.3555 of title 47, Code of Federal Regulations, to permit any party (including all parties under common control), to own, operate, or control television stations despite overlapping contours if the television stations are licensed to communities in different television markets (as defined in section 76.55(e) of such title).●

ADDITIONAL COSPONSORS

S. 636

At the request of Mr. FRIST, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 636, a bill to establish a congressional commemorative medal for organ donors and their families.

S. 1251

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 1251, a bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

S. 1385

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1385, a bill to amend title 38, United States Code, to expand the list of diseases presumed to be service connected with respect to radiation-exposed veterans.

S. 1413

At the request of Mr. LUGAR, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1413, a bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions.

S. 1764

At the request of Mr. THURMOND, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1764, a bill to amend sections 3345 through 3349 of title 5, United States Code (commonly referred to as the "Vacancies Act") to clarify statutory requirements relating to vacancies in certain Federal offices, and for other purposes.

S. 1825

At the request of Mrs. MURRAY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1825, a bill to amend title 10, United States Code, to provide sufficient funding to assure a minimum size for honor guard details at funerals of veterans of the Armed Forces, to establish the minimum size of such details, and for other purposes.

S. 1862

At the request of Mr. DEWINE, the name of the Senator from Kentucky (Mr. FORD) was added as a cosponsor of S. 1862, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 1993

At the request of Ms. COLLINS, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1993, a bill to amend title XVIII of the Social Security Act to adjust the formula used to determine costs limits for home health agencies under medicare program, and for other purposes.

S. 2003

At the request of Mr. REID, the name of the Senator from Kentucky (Mr. FORD) was added as a cosponsor of S. 2003, a bill to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over four years totalling $5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977, and for other purposes.

S. 2078

At the request of Mr. FAIRCLOTH, his name was added as a cosponsor of S. 2078, a bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes.

S. 2118

At the request of Mr. CHAFEE, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2118, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on vaccines to 25 cents per dose.

S. 2170

At the request of Mr. ALLARD, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2170, a bill to amend the Internal Revenue Code of 1986 to eliminate the temporary increase in unemployment tax.

S. 2266

At the request of Mr. THURMOND, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 2266, a bill to amend the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973 to exempt State and local agencies operating prisons from the provisions relating to public services.

S. 2285

At the request of Mr. DODD, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2285, a bill to establish a commission, in honor of the 150th Anniversary of the Seneca Falls Convention, to further protect sites of importance in the historic efforts to secure equal rights for women.

S. 2295

At the request of Mr. MCCAIN, the names of the Senator from Connecticut (Mr. DODD) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 2295, a bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations for that Act, and for other purposes.

SENATE CONCURRENT RESOLUTION 80

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Kentucky (Mr. FORD) was added as a cosponsor of Senate Concurrent Resolution 80, a concurrent resolution urging that the railroad industry, including rail labor, management and retiree organization, open discussions for adequately funding an amendment to the Railroad Retirement Act of 1974 to modify the guaranteed minimum benefit for widows and widowers whose annuities are converted from a spouse to a widow or widower annuity.

SENATE CONCURRENT RESOLUTION 95

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of Senate Concurrent Resolution 95, a concurrent resolution expressing the sense of Congress with respect to promoting coverage of individuals under long-term care insurance.

SENATE RESOLUTION 237

At the request of Mrs. MURRAY, her name was added as a cosponsor of Senate Resolution 237, a resolution expressing the sense of the Senate regarding the situation in Indonesia and East Timor.

AMENDMENTS SUBMITTED

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

HARKIN (AND OTHERS) AMENDMENT NO. 3127

Mr. DASCHLE (for Mr. HARKIN for himself, Mr. DASCHLE, Mrs. MURRAY, and Mr. WELLSTONE) proposed an amendment to the bill (S. 2159) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for fiscal year ending September 30, 1999, and for other purposes; as follows:

At the appropriate place, insert:

Findings:

In contrast to our Nation's generally strong economy, in a number of States agricultural producers and rural communities are experiencing serious economic hardship;

Increased supplies of agricultural commodities in combination with weakened demand have caused prices of numerous farm commodities to decline dramatically;

Demand for imported agricultural commodities has fallen in some regions of the world, due in part to world economic conditions, and United States agricultural exports have declined from their record level of $60 billion in 1996;

Prolonged periods of weather disasters and crop disease have devastated agricultural producers in a number of States;

Thirty-two of the fifty States experienced declines in personal farm income between 1996 and 1997;

Whereas, June estimates by the Department of Agriculture indicate that net farm income for 1998 will fall to $45.5 billion, down 13 percent from the $52.2 billion for 1996;

Total farm debt for 1998 is expected to reach $172 billion, the highest level since 1985;

Thousands of farm families are in danger of losing their livelihoods and life savings

Now, therefore, it is the sense of the Senate that emergency action by the President and Congress is necessary to respond to the economic hardships facing agricultural producers and their communities.

BUMPERS (AND COCHRAN) AMENDMENT NO. 3128

Mr. COCHRAN (for Mr. BUMPERS for himself and Mr. COCHRAN) proposed an amendment to the bill, S. 2159, supra; as follows:

On page 10, line 17, strike "$767,921,000" and insert in lieu thereof "$768,221,000".

On page 13, line 11, strike "$49,200,000" and insert in lieu thereof "$50,500,000".

On page 14, line 17, strike "$434,782,000" and insert in lieu thereof "$436,082,000".

On page 35, line 7, strike "$700,201,000" and insert in lieu thereof "$703,601,000".

On page 36, line 14, after the "systems", insert ": *Provided further*, That of the total amount appropriated, $2,800,000 shall be available for a community improvement project in Arkansas".

On page 64, line 18, strike "140,000" and insert in lieu thereof "120,000".

On page 67, after line 23, add the following:

"SEC. 739. None of the funds appropriated or otherwise made available by this Act may be used to require any producer to pay an administrative fee for catastrophic risk protection under section 508(b)(5)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(5)(A)) in an amount that is greater than $50 per crop per county.".

"SEC. 740. Nothing in this Act shall be interpreted or construed to alter the current implementation of the Wetlands Reserve Program, unless expressly provided herein.".

COCHRAN (AND BUMPERS) AMENDMENTS NOS. 3129–3130

Mr. COCHRAN (for himself and Mr. BUMPERS) proposed two amendments to the bill, S. 2159, supra; as follows:

AMENDMENT NO. 3129

On page 35, line 25, strike "$1,000,000" and insert "$70,000".

AMENDMENT NO. 3130

On page 26, line 26, strike "$488,872,000" and insert in lieu thereof "$510,649,000".

On page 27, line 7, insert "and" before "for".

On page 27, lines 8 and 9, strike "; and for credit sales of acquired property, $25,000,000".

On page 27, line 13, strike "$16,320,000" and insert in lieu thereof "$19,580,000".

On page 27, line 20, insert "and" before "for".

On page 27, lines 21 and 22, strike "; and for credit sales of acquired property, $3,260,000".

BUMPERS AMENDMENT NO. 3131

Mr. BUMPERS proposed an amendment to the bill, S. 2159, supra; as follows:

On page 67, after line 23, insert the following:

"SEC. . That notwithstanding section 4703(d)(1) of title 5, United States Code, the personnel management demonstration project established in the Department of Agriculture, as described at 55 FR 9062 and amended at 61 FR 9507 and 61 FR 49178, shall be continued indefinitely and become effective upon enactment of this bill."

D'AMATO (AND SARBANES) AMENDMENT NO. 3132

Mr. COCHRAN (for Mr. D'AMATO for himself and Mr. SARBANES) proposed an amendment to the bill, S. 2159, supra; as follows:

On page 67, after line 23, insert the following:

SEC. ___. (a) The first sentence of section 509(f)(4)(A) of the Housing Act of 1949 (42 U.S.C. 1479(f)(4)(A)) is amended by striking "fiscal year 1998" and inserting "fiscal year 1999".

(b) Section 515(b)(4) of the Housing Act of 1949 (42 U.S.C. 1485(b)(4)) is amended by striking "September 30, 1998" and inserting "September 30, 1999".

(c) The first sentence of section 515(w)(1) of the Housing Act of 1949 (42 U.S.C. 1485(w)(1)) is amended by striking "fiscal year 1998" and inserting "fiscal year 1999".

(d) Section 538 of the Housing Act of 1949 (42 U.S.C. 1490p–2) is amended—

(1) in subsection (t), by striking "fiscal year 1998" and inserting "fiscal year 1999"; and

(2) in subsection (u), by striking "September 30, 1998" and inserting "September 30, 1999".

GRAHAM AMENDMENT NO. 3133

Mr. COCHRAN (for Mr. GRAHAM) proposed an amendment to the bill, S. 2159, supra; as follows:

On page 67, after line 23, add the following:

SEC. 7___. METHYL BROMIDE ALTERNATIVES RESEARCH.

(a) REVIEW.—The Secretary of Agriculture, acting through the Agricultural Research Service, shall conduct a review of the methyl bromide alternatives research conducted by the Secretary that describes—

(1) the amount of funds expended by the Secretary since January 1, 1990, on methyl bromide alternatives research, including a description of the amounts paid for salaries, expenses, and actual research;

(2) plot and field scale testing of methyl bromide alternatives conducted by the Secretary since January 1, 1990, including a description of—

(A) the total amount of funds expended for the testing;

(B) the amount of funds expended for the testing as a portion of a larger project or independently of other projects; and

(C) the results of the testing and the impact of the results on future research; and

(3) variables that impact the effectiveness of methyl bromide alternatives, including a description of—

(A) the individual variables; and

(B) the plan of the Secretary for addressing each of the variables during the plot and field scale testing conducted by the Secretary.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to the Appropriations Committees of both Houses of Congress a report that describes the results of the review conducted under subsection (a).

GRAMM (AND HUTCHISON) AMENDMENT NO. 3134

Mr. COCHRAN (for Mr. GRAMM for himself and Mrs. HUTCHISON) proposed an amendment to the bill, S. 2159, supra; as follows:

On page 67, after line 23, add the following:

SEC. ___. SENSE OF SENATE ON DISASTER ASSISTANCE FOR TEXAS AGRICULTURAL PRODUCERS.

(a) FINDINGS.—The Senate finds that—

(1) the statewide economic impact of the drought on agriculture in the State of Texas could be more than $4,600,000,000 in losses, according to the Agricultural Extension Service of the State;

(2) the direct loss of income to agricultural producers in the State is $1,500,000,000;

(3) the National Weather Service has reported that all 10 climatic regions in the State have received below-average rainfall from March through May of 1998, a critical time in the production of corn, cotton, sorghum, wheat, and forage;

(4) the total losses for cotton producers in the State have already reached an estimated $500,000,000;

(5) nearly half of the rangeland in the State (as of May 31, 1998) was rated as poor or very poor as a result of the lack of rain;

(6) the value of lost hay production in the State will approach an estimated $175,000,000 statewide, leading to an economic impact of $582,000,000;

(7) dryland fruit and vegetable production losses in East Texas have already been estimated at $33,000,000;

(8) the early rains in many parts of the State produced a large quantity of forage that is now extremely dry and a dangerous source of fuel for wildfires; and

(9) the Forest Service of the State has indicated that over half the State is in extreme or high danger of wildfires due to the drought conditions.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of Agriculture should—

(1) streamline the drought declaration process to provide necessary relief to the State of Texas as quickly as is practicable;

(2) ensure that local Farm Service Agency offices in the State are equipped with full-time and emergency personnel in drought-stricken areas to assist agricultural producers with disaster loan applications;

(3) direct the Forest Service, and request the Federal Emergency Management Agency, to assist the State in prepositioning fire fighting equipment and other appropriate resources in affected counties of the State;

(4) authorize haying and grazing on acreage in the State that is enrolled in the conservation reserve program carried out under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831); and

(5) convene experts within the Department of Agriculture to develop and implement an emergency plan for the State to help prevent wildfires and to overcome the economic impact of the continuing drought by providing assistance from the Department in a rapid and efficient manner for producers that are suffering from drought conditions.

LUGAR AMENDMENT NO. 3135

Mr. COCHRAN (for Mr. LUGAR) proposed an amendment to the bill, S. 2159, supra; as follows:

On page 67, after line 23, add the following new sections:

SEC. . Section 1237D(c)(1) of Subchapter C of the Food Security Act of 1985 is amended by inserting after "perpetual" the following: "or 30-year."

SEC. . Section 1237(b)(2) of Subchapter C of the Food Security Act of 1985 is amended by adding the following: "(C) For purposes of subparagraph (A), to the maximum extent practicable should be interpreted to mean that acceptance of wetlands reserve program bids may be in proportion to landowner interest expressed in program options."

LUGAR (AND OTHERS) AMENDMENT NO. 3136

Mr. COCHRAN (for Mr. LUGAR for himself, Mr. SANTORUM, Ms. COLLINS, Mr. HARKIN, and Mr. LEAHY) proposed an amendment to the bill, S. 2159, supra; as follows:

On page 67, after line 23, insert the following:

SEC. . TECHNICAL CORRECTIONS TO AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM ACT OF 1998.

(a) FOREST AND RANGELAND RENEWABLE RESOURCES RESEARCH.—Section 3(d)(3) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642(d)(3)) (as amended by section 253(b) of the Agricultural Research, Extension, and Education Reform Act of 1998) is amended by striking "The Secretary" and inserting "At the request of the Governor of the State of Maine, New Hampshire, New York, or Vermont, the Secretary".

(b) HONEY RESEARCH, PROMOTION, AND CONSUMER INFORMATION.—Section 7(e)(2) of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4606(e)(2)) (as amended by section 605(f)(3) of the Agricultural Research, Extension, and Education Reform Act of 1998) is amended by striking "$0.0075" each place it appears and inserting "$0.01".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the date of enactment of the Agricultural Research, Extension, and Education Reform Act of 1998.

ROBB AMENDMENT NO. 3137

Mr. COCHRAN (for Mr. ROBB) proposed an amendment to the bill, S. 2159, supra; as follows:

After line 23 on page 67, add the following new title:

TITLE VIII

"SEC. 1. SHORT TITLE.

This section may be cited as the 'Agricultural Credit Restoration Act'.

SEC. 2. AMENDMENTS TO THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.

(a) Section 343(a)(12)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(12)(B)) is amended to read as follows:

"(B) EXCEPTIONS.—The term 'debt forgiveness' does not include—

"(i) consolidation, rescheduling, reamortization, or deferral of a loan;

"(ii) 1 debt forgiveness in the form of a restructuring, write-down, or net recovery buy-out which occurred prior to date of enactment and was due to a financial problem of the borrower relating to a natural disaster or a medical condition of the borrower or of a member of the immediate family of the borrower (or, in the case of a borrower that is an entity, a principal owner of the borrower or a member of the immediate family of such an owner); and

"(iii) any restructuring, write-down, or net recovery buy-out provided as a part of a resolution of a discrimination complaint against the Secretary.".

(5) Section 355(c)(2) of such Act (7 U.S.C. 2003(c)(2)) is amended to read as follows:

"(2) RESERVATION AND ALLOCATION.—

"(A) IN GENERAL.—The Secretary shall, to the greatest extent practicable, reserve and allocate the proportion of each State's loan funds made available under subtitle B that is equal to that State's target participation rate for use by the socially disadvantaged farmers or ranchers in that State. The Secretary shall, to the extent practicable, distribute the total so derived on a county by county basis according to the number of socially disadvantaged farmers or ranchers in the county

"(B) REALLOCATION OF UNUSED FUNDS.—The Secretary may pool any funds reserved and allocated under this paragraph with respect to a State that are not used as described in subparagraph (A) in a State' in the first 10 months of a fiscal year with the funds similarly not so used in other States, and may reallocate such pooled funds in the discretion of the Secretary for use by socially disadvantaged farmers and ranchers in other States.".

(c) Section 373(b)(1) of such Act (7 U.S.C. 2008h(b)(1)) is amended to read as follows:

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may not make or guarantee a loan under subtitle A or B to a borrower who received debt forgiveness on a loan made or guaranteed under this title unless such forgiveness occurred prior to April 4, 199 * * *".

SEC. 2. REGULATIONS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall promulgate regulations necessary to carry out the amendments made by this Act, without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code; and

(2) the statement of policy of the Secretary of Agriculture relating to notices of proposed rulemaking and public participation in rulemaking that became effective on July 24, 1971 (36 Fed. Reg. 13804).

COVERDELL AMENDMENTS NOS. 3138–3139

(Ordered to lie on the table.)

Mr. COVERDELL submitted two amendments intended to be proposed by him to the bill, S. 2159, supra; as follows:

AMENDMENT NO. 3138

On page 67, after line 23, add the following:

SEC. . HEALTH THREATS POSED BY E. COLI:0157H7.

(a) TRANSFER.—Using $2,550,000 of the amounts appropriated under this Act, the Secretary of Agriculture shall carry out activities under subsection (b) to address urgent health threats posed by E. coli:0157H7.

(b) USE OF FUNDS.—From amounts transferred under subsection (a), the Secretary shall—

(1) provide $550,000 to fund ongoing research to detect or prevent colonization of E. coli:0157H7 in live cattle:

(2) provide, through the existing partnership between the Federal Government, industry, and consumer groups, $1,000,000 for the National Consumer Education Campaign on Food Safety as part of the activities to address safe food handling practices; and

(3) provide $1,000,000 for a contract to be entered into with the National Academy of Sciences to assess the effectiveness of testing to ensure zero tolerance of E. coli:0157H7 in raw ground beef products.

AMENDMENT NO. 3139

On page 67, after line 23, add the following:

SEC. . AGRICULTURAL CREDIT IMPROVEMENT.

(a) DEFINITION OF FAMILY FARM.—

(1) REAL ESTATE LOANS.—Section 302 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922) is amended by adding at the end the following:

"(c) DETERMINATION OF QUALIFICATION FOR LOAN.—

"(1) PRIMARY FACTOR.—The primary factor to be considered in determining whether an applicant for a loan under this subtitle is engaged primarily and directly in farming or ranching shall be whether the applicant is participating in routine, ongoing farm activities and in overall decisionmaking with regard to the farm or ranch.

"(2) NO BASIS FOR DENIAL OF LOAN.—The Secretary may not deny a loan under this subtitle solely because 2 or more individuals are employed full-time in the farming operation for which the loan is sought.".

(2) OPERATING LOANS.—Section 311 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941) is amended by adding at the end the following:

"(d) DETERMINATION OF QUALIFICATION FOR LOAN.—

"(1) PRIMARY FACTOR.—The primary factor to be considered in determining whether an applicant for a loan under this subtitle is engaged primarily and directly in farming or ranching shall be whether the applicant is participating in routine, ongoing farm activities and in overall decisionmaking with regard to the farm or ranch.

"(2) NO BASIS FOR DENIAL OF LOAN.—The Secretary may not deny a loan under this subtitle solely because 2 or more individuals are employed full-time in the farming operation for which the loan is sought.".

(3) EMERGENCY LOANS.—Section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961) is amended by adding at the end the following:

"(e) DETERMINATION OF QUALIFICATION FOR LOAN.—

"(1) PRIMARY FACTOR.—The primary factor to be considered in determining whether an applicant for a loan under this subtitle is engaged primarily and directly in farming or ranching shall be whether the applicant is participating in routine, ongoing farm activities and in overall decisionmaking with regard to the farm or ranch.

"(2) NO BASIS FOR DENIAL OF LOAN.—The Secretary may not deny a loan under this subtitle solely because 2 or more individuals are employed full-time in the farming operation for which the loan is sought.".

(b) GROWER-SHIPPER AGREEMENTS.—

(1) REAL ESTATE LOANS.—Section 302 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922) (as amended by subsection (a)(1)) is amended by adding at the end the following:

"(d) GROWER-SHIPPER AGREEMENTS.—This section does not prohibit the Secretary from making a loan under this subtitle to an applicant that has entered into an agreement with a shipper of perishable commodities under which the applicant and the shipper share in the proceeds from the sale of an agricultural commodity if—

"(1) in the absence of such an agreement, the applicant could not easily market the agricultural commodity or could not market the agricultural commodity without incurring significant additional risk; and

"(2) the agreement is clearly beneficial to the applicant.".

(2) OPERATING LOANS.—Section 311 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941) (as amended by subsection (a)(2)) is amended by adding at the end the following:

"(e) GROWER-SHIPPER AGREEMENTS.—This section does not prohibit the Secretary from making a loan under this subtitle to an applicant that has entered into an agreement with a shipper of perishable commodities under which the applicant and the shipper share in the proceeds from the sale of an agricultural commodity if—

"(1) in the absence of such an agreement, the applicant could not easily market the agricultural commodity or could not market the agricultural commodity without incurring significant additional risk; and

"(2) the agreement is clearly beneficial to the applicant.".

(3) EMERGENCY LOANS.—Section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941) (as amended by subsection (a)(3)) is amended by adding at the end the following:

"(f) GROWER-SHIPPER AGREEMENTS.—This section does not prohibit the Secretary from making a loan under this subtitle to an applicant that has entered into an agreement with a shipper of perishable commodities under which the applicant and the shipper share in the proceeds from the sale of an agricultural commodity if—

"(1) in the absence of such an agreement, the applicant could not easily market the agricultural commodity or could not market the agricultural commodity without incurring significant additional risk; and

"(2) the agreement is clearly beneficial to the applicant.".

(c) COMBINED LIMIT ON AMOUNT OF FARM OWNERSHIP AND OPERATING LOANS; INDEXATION TO INFLATION.—

(1) LIMIT ON AMOUNT OF GUARANTEED FARM OWNERSHIP LOANS.—Section 305 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1925) is amended—

(A) by striking "SEC. 305. The Secretary" and inserting the following:

"SEC. 305. LIMITATIONS ON AMOUNT OF FARM OWNERSHIP LOANS.

"(a) IN GENERAL.—The Secretary";

(B) by striking "$300,000" and inserting "$700,000 (increased, beginning with fiscal year 1998, by the inflation percentage applicable to the fiscal year in which the loan is to be made or insured), reduced by the amount of any unpaid indebtedness of the borrower on loans under subtitle B that are guaranteed by the Secretary";

(C) by striking "In determining" and inserting the following:

"(b) DETERMINATION OF VALUE.—In determining"; and

(D) by adding at the end the following:

"(c) INFLATION PERCENTAGE.—For purposes of this section, the inflation percentage applicable to a fiscal year is the percentage (if any) by which—

"(1) the average of the Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) for the 12-month period ending on August 31 of the immediately preceding fiscal year; exceeds

"(2) the average of the Consumer Price Index (as so defined) for the 12-month period ending on August 31, 1996.".

(2) LIMIT ON AMOUNT OF OPERATING LOANS.—Section 313 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1943) is amended—

(A) by striking "SEC. 313. The Secretary" and inserting the following:

"SEC. 313. LIMITATIONS ON AMOUNT OF OPERATING LOANS.

"(a) IN GENERAL.—The Secretary";

(B) by striking "this subtitle (1) that would cause" and inserting "this subtitle—

"(1) that would cause";

(C) by striking "$400,000; or (2) for the purchasing" and inserting "$700,000 (increased, beginning with fiscal year 1998, by the inflation percentage applicable to the fiscal year in which the loan is to be made or insured), reduced by the unpaid indebtedness of the borrower on loans under the sections specified in section 305 that are guaranteed by the Secretary; or

"(2) for the purchasing"; and

(D) by adding at the end the following:

"(b) INFLATION PERCENTAGE.—For purposes of this section, the inflation percentage applicable to a fiscal year is the percentage (if any) by which—

"(1) the average of the Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) for the 12-month period ending on August 31 of the immediately preceding fiscal year; exceeds

"(2) the average of the Consumer Price Index (as so defined) for the 12-month period ending on August 31, 1996.".

(d) APPLICABILITY OF DISASTER LOAN COLLATERAL REQUIREMENTS UNDER THE SMALL BUSINESS ACT.—Section 324(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964(d)) is amended—

(1) by striking "(d) All loans" and inserting the following:

"(d) REPAYMENT.—

"(1) IN GENERAL.— All loans"; and

(2) by adding at the end the following:

"(2) NO BASIS FOR DENIAL OF LOAN.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall not deny a loan under this subtitle to a borrower by reason of the fact that the borrower lacks a particular amount of collateral for the loan if it is reasonably certain that the borrower will be able to repay the loan.

"(B) REFUSAL TO PLEDGE AVAILABLE COLLATERAL.—The Secretary may deny or cancel a loan under this subtitle if a borrower refuses to pledge available collateral on request by the Secretary.".

(e) PROHIBITION OF LOAN GUARANTEES TO BORROWERS THAT HAVE RECEIVED DEBT FORGIVENESS AFTER APRIL 4, 1996.—

(1) IN GENERAL.—Section 373 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008h) is amended by striking subsection (b) and inserting the following:

"(b) PROHIBITION OF LOANS FOR BORROWERS THAT HAVE RECEIVED DEBT FORGIVENESS.—

"(1) PROHIBITIONS.—Except as provided in paragraph (2)—

"(A) the Secretary may not make a loan under this title to a borrower that has received debt forgiveness on a loan made or guaranteed under this title; and

"(B) the Secretary may not guarantee a loan under this title to a borrower that has received debt forgiveness after April 4, 1996, on a loan made or guaranteed under this title.

"(2) EXCEPTIONS.—

"(A) IN GENERAL.—The Secretary may make a direct or guaranteed farm operating loan for paying annual farm or ranch operating expenses of a borrower that was restructured with a write-down under section 353.

"(B) EMERGENCY LOANS.—The Secretary may make an emergency loan under section 321 to a borrower that—

"(i) on or before April 4, 1996, received not more than 1 debt forgiveness on a loan made or guaranteed under this title; and

"(ii) after April 4, 1996, has not received debt forgiveness on a loan made or guaranteed under this title.".

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section take effect on the date of enactment of this Act.

(2) DEFINITION OF FAMILY FARM.—The amendments made by subsection (a) take effect on January 1, 1997.

DEWINE (AND HUTCHINSON) AMENDMENT NO. 3140

(Ordered to lie on the table.)

Mr. DEWINE (for himself and Mr. HUTCHINSON) submitted an amendment intended to be proposed by them to the bill, S. 2159, supra; as follows:

At the appropriate place in title VII, insert the following:

SEC. ___. METERED-DOSE INHALERS.

(a) FINDINGS.—Congress finds that—

(1) the Montreal Protocol on Substances That Deplete the Ozone Layer (referred to in this section as the "Montreal Protocol") requires the phaseout of products containing ozone-depleting substances, including chlorofluorocarbons;

(2) the primary remaining legal use in the United States of newly produced chlorofluorocarbons is in metered-dose inhalers;

(3) treatment with metered-dose inhalers is the preferred treatment for many patients with asthma and chronic obstructive pulmonary disease;

(4) the incidence of asthma and chronic obstructive pulmonary disease is increasing in children and is most prevalent among low-income persons in the United States;

(5) the Parties to the Montreal Protocol have called for development of national transition strategies to non-chlorofluorocarbon metered-dose inhalers;

(6) the Commissioner of Food and Drugs published an advance notice of proposed rulemaking that suggested a tentative framework for how to phase out the use of metered-dose inhalers that contain chlorofluorocarbons in the Federal Register on March 6, 1997, 62 Fed. Reg. 10242 (referred to in this section as the "proposal"); and

(7) the medical and patient communities, while calling for a formal transition strategy through the FDA rulemaking process have expressed serious concerns that, if implemented without change, the phaseout framework tentatively proposed by the FDA in the ANPR could result in the removal of MDIs containing CFCs from the market before adequate non-chlorofluorocarbon replacements are available, thus potentially placing some patients at risk.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Food and Drug Administration should, in consultation with the Environmental Protection Agency, assess the risks and benefits to the environment and to patient health of the proposal and any alternatives;

(2) in conducting such assessments, the Food and Drug Administration should consult with patients, physicians, other health care providers, manufacturers of metered-dose inhalers, and other interested parties;

(3) upon completion of these assessments, the Food and Drug Administration should promptly issue a rule ensuring that a range of non-chlorofluorocarbon metered-dose inhaler alternatives is available which for all populations of users, are comparable to existing treatments (as of the date of issuance of the regulation) in terms of safety and efficacy, use for therapeutic indications, dosage strength, delivery system, and sufficient availability to meet patient needs. Such rule should not be based on a therapeutic class phaseout approach; and

(4) A proposed rule should be issued by the FDA no later than July 1, 1999.

BROWNBACK AMENDMENT NO. 3141

(Ordered to lie on the table.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill, S. 2159, supra; as follows:

On page 67, after line 23, add the following:

SEC. 7___. CENSUS OF AGRICULTURE.

(a) IN GENERAL.—Section 2 of the Census of Agriculture Act of 1997 (7 U.S.C. 2204g) is amended—

(1) in subsection (b), by inserting before the period at the end the following: ", except that a survey or other information collection shall consist of not more than 20 questions"; and

(2) by striking subsection (d) and inserting the following:

"(d) COMPLIANCE.—

"(1) FRAUD.—A person over 18 years of age shall not willfully give an answer that is false to a question that the Secretary is authorized to submit to the person in connection with a census under this section.

"(2) REFUSAL OR NEGLECT TO ANSWER QUESTIONS.—A person over 18 years of age shall not refuse or willfully neglect to answer a question that the Secretary is authorized to submit to the person in connection with a census under this section.

"(3) PENALTIES.—A person that violates paragraph (1) or (2) shall not be subject to any penalty or injunction under this Act or any other law by reason of the violation.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on January 1, 1998.

BUMPERS (AND COCHRAN) AMENDMENT NO. 3142

Mr. BUMPERS (for himself and Mr. COCHRAN) proposed an amendment to the bill, S. 2159, supra; as follows:

On page 67, after line 23 insert the following:

"SEC. . None of the funds appropriated by this Act or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the users fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2000 appropriations act."

DASCHLE AMENDMENT NO. 3143

Mr. BUMPERS (for Mr. DASCHLE) proposed an amendment to the bill, S. 2159, supra; as follows:

On page 67, after line 23, add the following:

SEC. 7 . PILOT PROGRAM TO PERMIT HAYING AND GRAZING ON CONSERVATION RESERVE LAND.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE STATE.—The term "eligible State" means any State that is approved by the Secretary for inclusion in the pilot program under subsection (b), except that the term shall not apply to more than 7 States.

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(3) STATE TECHNICAL COMMITTEE.—The term "State technical committee" means the State technical committee for a State established under section 1261 of the Food Security Act of 1985 (16 U.S.C. 3861).

(b) PILOT PROGRAM.—Notwithstanding section 1232(a)(7) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(7)), during the 4-year period beginning on the date of enactment of this Act, on application by an owner or operator of a farm or ranch located in an eligible State who has entered into a contract with the Secretary under subchapter B of chapter 1 of subtitle D of title XII of that Act (16 U.S.C. 3831 et seq.)—

(1) the Secretary shall permit harvesting and grazing on land on the farm or ranch that the Secretary determines has a sufficiently established cover to permit harvesting or grazing without undue harm to the purposes of the contract if—

(A) no land under the contract will be harvested or grazed more than once in a 4-year period;

(B) the owner or operator agrees to a payment reduction under that subchapter in an amount determined by the Secretary; and

(C) the owner or operator agrees to such other terms and conditions as the Secretary, in consultation with the State technical committee for the State, may establish to ensure that the harvesting or grazing is consistent with the purposes of the program established under that subchapter;

(2) the Secretary may permit grazing on land under the contract if—

(A) the grazing is incidental to the gleaning of crop residues;

(B) the owner or operator agrees to a payment reduction in annual rental payments that would otherwise be payable under that subchapter in an amount determined by the Secretary; and

(C) the owner or operator agrees to such other terms and conditions as the Secretary, in consultation with the State technical committee for the State, may establish to ensure that the grazing is consistent with the purposes of the program established under that subchapter; and

(3) the Secretary shall permit harvesting on land on the farm or ranch that the Secretary determines has a sufficiently established cover to permit harvesting without undue harm to the purposes of the contract if—

(A) land under the contract will be harvested not more than once annually for recovery of biomass used in energy production;

(B) the owner or operator agrees to a payment reduction under that subchapter in an amount determined by the Secretary; and

(C) the owner or operator agrees to such other terms and conditions as the Secretary, in consultation with the State technical committee for the State, may establish to ensure that the harvesting is consistent with the purposes of the program established under that subchapter.

(c) RELATIONSHIP TO OTHER HAYING AND GRAZING AUTHORITY.—During the 4-year period beginning on the date of enactment of this Act, land that is located in an eligible State shall not be eligible for harvesting or grazing under section 1232(a)(7) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(7)).

(d) CONSERVATION PRACTICES AND TIMING RESTRICTIONS.—Not later than March 1 of each year, the Secretary, in consultation with the State technical committee for an eligible State, shall determine any conservation practices and timing restrictions that apply to land in the State that is harvested or grazed under subsection (b).

(e) STUDY.—The Secretary shall make available not more than $100,000 of funds of the Commodity Credit Corporation to contract with the game, fish, and parks department of an eligible State to conduct an analysis of the program conducted under this section (based on information provided by all eligible States).

(f) REGULATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue such regulations as are necessary to implement this Act.

(2) PROCEDURE.—The issuance of the regulations shall be made without regard to—

(A) the notice and comment provisions of section 553 of title 5, United States Code;

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971

(36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; or

(C) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

DURBIN AMENDMENT NO. 3144

Mr. BUMPERS (for Mr. DURBIN) proposed an amendment to the bill, S. 2159, supra; as follows:

On page 67, after line 23, add the following:

SEC. 7 . EGG GRADING AND SAFETY.

(a) PROHIBITION ON PREVIOUS SHIPMENT OF SHELL EGGS UNDER VOLUNTARY GRADING PROGRAM.—Section 203(h) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(h)) is amended by adding at the end the following: "Shell eggs packed under the voluntary grading program of the Department of Agriculture shall not have been shipped for sale previous to being packed under the program, as determined under a regulation promulgated by the Secretary.".

(b) REPORT ON EGG SAFETY AND REPACKAGING.—Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture, and the Secretary of Health and Human Services, shall submit a status report to the Committees on Appropriations of the House of Representatives and the Senate that describes actions taken by the Secretary of Agriculture and the Secretary of Health and Human Services—

(1) to enhance the safety of shell eggs and egg products;

(2) to prohibit the grading, under the voluntary grading program of the Department of Agriculture, of shell eggs previously shipped for sale; and

(3) to assess the feasibility and desirability of applying to all shell eggs the prohibition on repackaging to enhance food safety, consumer information, and consumer awareness.

BYRD AMENDMENT NO. 3145

Mr. BUMPERS (for Mr. BYRD) proposed an amendment to the bill, S. 2159, supra; as follows:

On page 31, line 8, after "*Provided,*" insert "That, of the total amount appropriated, $433,000 shall be used, along with prior year appropriations provided for this project, to complete construction of the Alderson Plant Materials Center, Alderson, West Virginia: *Provided, further,*".

DASCHLE (AND OTHERS) AMENDMENT NO. 3146

Mr. DASCHLE (for himself, Mr. HARKIN, Mr. WELLSTONE, Mrs. MURRAY, Mr. KERREY, Mr. CONRAD, Mr. DORGAN, and Mr. BAUCUS) proposed an amendment to the bill, S. 2159, supra; as follows:

On page 67, after line 23, add the following:

SEC. 7 . MARKETING ASSISTANCE LOANS.

(a) MARKETING ASSISTANCE LOANS.—

(1) LOAN RATES.—Notwithstanding section 132 of the Agricultural Market Transition Act (7 U.S.C. 7232), during fiscal year 1999, loan rates for a loan commodity (as defined in section 102 of that Act (7 U.S.C. 7202)) shall not be subject to any dollar limitation on loan rates prescribed under subsections (a)(1)(B), (b)(1)(B), (c)(2), (d)(2), (f)(1)(B), or (f)(2)(B) of that section.

(2) TERM OF LOAN.—Notwithstanding section 133(c) of the Agricultural Market Transition Act (7 U.S.C. 7233), during fiscal year 1999, the Secretary of Agriculture may extend the term of a marketing assistance loan for any loan commodity for a period not to exceed 6 months.

(b) EMERGENCY REQUIREMENT.—

(1) DESIGNATION BY CONGRESS.—Subject to paragraph (2), the entire amount of funds necessary to carry out this section is designated by Congress as an emergency requirement under section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(e)).

(2) BUDGET REQUEST.—Funds shall be made available to carry out this section only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) is transmitted by the President to Congress.

(c) TERMINATION OF EFFECTIVENESS.—

(1) IN GENERAL.—Subject to paragraph (2), the authority provided by this section terminates effective October 1, 1999.

(2) LOAN TERMS.—A marketing assistance loan made under subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.) and subsection (a) shall be subject to the terms and conditions of the loan during the 15-month period beginning on October 1, 1998.

LIEBERMAN (AND DODD) AMENDMENT NO. 3147

Mr. BUMPERS (for Mr. LIEBERMAN for himself and Mr. DODD) proposed an amendment to the bill, S. 2159, supra; as follows:

On page 67, after line 23, add the following:

SEC. ___. ELIGIBILITY OF STATE AGRICULTURAL EXPERIMENT STATIONS FOR CERTAIN AGRICULTURAL RESEARCH PROGRAMS.

(a) FUND FOR RURAL AMERICA.—Section 793(c)(2)(B) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2204f(c)(2)(B)) is amended—

(1) in clause (iii), by striking "or" at the end;

(2) in clause (iv), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(v) a State agricultural experiment station.".

(b) INITIATIVE FOR FUTURE AGRICULTURE AND FOOD SYSTEMS.—Section 401(d) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621(d)) is amended—

(1) in paragraph (3), by striking "or" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(5) a State agricultural experiment station.".

TROPICAL FOREST CONSERVATION ACT OF 1998

HELMS (AND OTHERS) AMENDMENT NO. 3148

Mr. ROBERTS (for Mr. HELMS for himself, Mr. BIDEN, and Mr. LUGAR) proposed an amendment to the bill (S. 1758) to amend the Foreign Assistance Act of 1961 to facilitate protection of tropical forests through debt reduction with developing countries with tropical forests; as follows:

On page 6, line 11, strike "continental" and insert "regional, continental,".

On page 11, line 7, strike "For the cost" and insert the following:

"(A) IN GENERAL.—For the cost".

On page 11, line 11, strike "(A)" and insert "(i)".

On page 11, line 12, strike "(B)" and insert "(ii)".

On page 11, line 13, strike "(C)" and insert "(iii)".

On page 11, between lines 13 and 14, insert the following:

"(B) LIMITATION.—The authority provided by this section shall be available only to the extent that appropriations for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of the modification of any debt pursuant to this section are made in advance.

On page 15, line 2, insert "the lessor of" after "than".

On page 15, between lines 6 and 7, insert the following:

"(3) LIMITATION.—The authority provided by paragraphs (1) and (2) shall be available only to the extent that appropriations for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of the modification of any debt pursuant to such paragraphs are made in advance.

On page 15, line 7, strike "(3)" and insert "(4)".

On page 15, line 12, strike "(4)" and insert "(5)".

On page 18, line 2, strike "agroforestry" and insert "forestry".

On page 18, line 16, strike "to provide grants to preserve" and insert "only to provide grants to conserve,".

On page 18, line 18, strike "including" and insert "through".

On page 19, lines 1 and 2, strike "strengthen conservation institutions and increase" and insert "increase the".

On page 19, strike lines 10 and 11.

On page 19, line 12, strike "(7)" and insert "(6)".

On page 19, line 14, strike ", including the cultures of such individuals,".

On page 19, line 21, insert "forestry," after "conservation,".

On page 22, line 7, strike "agricultural" and insert "forestry".

On page 23, line 5, insert "forestry," after "scientific,".

On page 23, line 7, insert "forestry," after "scientific,".

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

BAUCUS AMENDMENTS NOS. 3149–3150

(Ordered to lie on the table.)

Mr. BAUCUS submitted two amendments intended to be proposed by him to the bill, S. 2159, supra; as follows:

AMENDMENT NO. 3149

On page 14, line 17, after the semicolon insert "$550,000 for research at Montana State University into an effective delivery system for a genetically engineered vaccine for brucellosis;"

AMENDMENT NO. 3150

At the appropriate place, insert the following:

AGRICULTURAL RESEARCH SERVICE

For research efforts of the Agricultural Research Service of the Department of Agriculture for counter-narcotics research activities, $13,000,000, of which—

(1) $5,000,000 shall be used for chemical and biological crop eradication technologies;

(2) $2,000,000 shall be used for narcotics plant identification, chemistry, and biotechnology;

(3) $1,000,000 shall be used for worldwide crop identification, detection, tagging, and production estimation technology; and

(4) $5,000,000 shall be used for improving the disease resistance, yield, and economic competitiveness of commercial crops that can be promoted as alternatives to the production of narcotics plants.

For a contract with a commercial entity for the product development, environmental testing, registration, production, aerial distribution system development, product effectiveness monitoring, and modification of multiple mycoherbicides to control narcotic crops (including coca, poppy, and cannabis), $10,000,000, except that the entity shall—

(1) to be eligible to enter into the contract, have—

(A) long-term international experience with diseases of narcotic crops.

(B) intellectual property involving seedborne dispersal formulations;

(C) the availability of state-of-the-art containment or quarantine facilities;

(D) country-specific mycoherbicide formulations;

(E) specialized fungicide resistant formulations; and

(F) special security arrangements; and

(2) report to a member of the Senior Executive Service in the Department of Agriculture.

At the appropriate place, insert the following:

SEC. ___. MASTER PLAN FOR MYCOHERBICIDES TO CONTROL NARCOTIC CROPS.

(a) IN GENERAL.—The Secretary of Agriculture shall develop a 10-year master plan for the use of mycoherbicides to control narcotic crops (including coca, poppy, and cannabis).

(b) COORDINATION.—The Secretary shall develop the plan in coordination with—

(1) the Office of National Drug Control Policy (ONDCP);

(2) the Bureau for International Narcotics and Law Enforcement Activities (INL) of the Department of State;

(3) the Drug Enforcement Administration (DEA) of the Department of Justice;

(4) the Department of Defense;

(5) the United States Information Agency (USIA); and

(6) other appropriate agencies.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to Congress that describes the activities undertaken to carry out this section.

GRASSLEY AMENDMENTS NOS. 3151–3152

(Ordered to lie on the table.)

Mr. GRASSLEY submitted two amendments intended to be proposed by him to the bill, S. 2159, supra; as follows:

AMENDMENT NO. 3151

On page 67, after line 23, add the following:

SEC. 7___. SENSE OF THE SENATE CONCERNING APPROPRIATE ACTIONS TO BE TAKEN TO ALLEVIATE THE ECONOMIC EFFECT OF LOW COMMODITY PRICES.

It is the sense of the Senate that—

(1) Congress should pass and the President should sign S.1269, which would reauthorize fast-track trading authority for the President;

(2) Congress should pass and the President should sign S.2078, the Farm and Ranch Risk Management Act, which would allow farmers and ranchers to better prepare for fluctuations in the agricultural economy;

(3) the House of Representatives should follow the Senate and provide full funding for the International Monetary Fund;

(4) Congress should pass and the President should sign S.1413, the Enhancement of Trade Security and Human Rights Through Sanctions Reform Act, so that the agricultural economy of the United States is not harmed by sanctions on foreign trade;

(5) Congress should pass and the President should sign legislation providing normal trade relations status for China and continue to pursue normal trade relations with China;

(6) the House and Senate should continue to pursue a package of capital gains and estate tax reforms; and

(7) the House and Senate should pursue stronger oversight on genetically modified organism and biotechnology negotiations.

AMENDMENT NO. 3152

At the appropriate place, insert the following title:

SECTION 1. SHORT TITLE.

This title may be cited as the "Reciprocal Trade Agreements Act of 1997".

SEC. 2. TRADE NEGOTIATING OBJECTIVES OF THE UNITED STATES.

(a) STATEMENT OF PURPOSES.—The purposes of this Act are to achieve, through trade agreements affording mutual benefits—

(1) more open, equitable, and reciprocal market access for United States goods, services, and investment;

(2) the reduction or elimination of barriers and other trade-distorting policies and practices;

(3) a more effective system of international trading disciplines and procedures; and

(4) economic growth, higher living standards, and full employment in the United States, and economic growth and development among United States trading partners.

(b) PRINCIPAL TRADE NEGOTIATING OBJECTIVES.—The principal trade negotiating objectives of the United States for agreements subject to the provisions of section 3 include the following:

(1) REDUCTION OF BARRIERS TO TRADE IN GOODS.—The principal negotiating objective of the United States regarding barriers to trade in goods is to obtain competitive opportunities for United States exports in foreign markets substantially equivalent to the opportunities afforded foreign exports to United States markets, including the reduction or elimination of tariff and nontariff trade barriers, including—

(A) tariff and nontariff disparities remaining from previous rounds of multilateral trade negotiations that have put United States exports at a competitive disadvantage in world markets;

(B) measures identified in the annual report prepared under section 181 of the Trade Act of 1974 (19 U.S.C. 2241); and

(C) tariff elimination for products identified in section 111(b) of the Uruguay Round Agreements Act (19 U.S.C. 3521(b)) and the accompanying Statement of Administrative Action related to that section.

(2) TRADE IN SERVICES.—

(A) The principal negotiating objectives of the United States regarding trade in services are—

(i) to reduce or eliminate barriers to, or other distortions of, international trade in services, including regulatory and other barriers that deny national treatment or unreasonably restrict the establishment and operation of service suppliers in foreign markets; and

(ii) to develop internationally agreed rules, including dispute settlement procedures, that—

(I) are consistent with the commercial policies of the United States, and

(II) will reduce or eliminate such barriers or distortions, and help ensure fair, equitable opportunities for foreign markets.

(B) In pursuing the negotiating objectives described in subparagraph (A), United States negotiators shall take into account legitimate United States domestic objectives, including protection of legitimate health, safety, essential security, environmental, consumer, and employment opportunity interests. The preceding sentence shall not be construed to authorize any modification of United States law.

(3) FOREIGN INVESTMENT.—

(A) The principal negotiating objectives of the United States regarding foreign investment are—

(i) to reduce or eliminate artificial or trade-distorting barriers to foreign investment, to expand the principle of national treatment, and to reduce unreasonable barriers to establishment; and

(ii) to develop internationally agreed rules through the negotiation of investment agreements, including dispute settlement procedures, that—

(I) will help ensure a free flow of foreign investment, and

(II) will reduce or eliminate the trade distortive effects of certain trade-related investment measures.

(B) In pursuing the negotiating objectives described in subparagraph (A), United States negotiators shall take into account legitimate United States domestic objectives, including protection of legitimate health, safety, essential security, environmental, consumer, and employment opportunity interests. The preceding sentence shall not be construed to authorize any modification of United States law.

(4) INTELLECTUAL PROPERTY.—The principal negotiating objectives of the United States regarding intellectual property are—

(A) to further promote adequate and effective protection of intellectual property rights, by—

(i) seeking the enactment and effective enforcement by foreign countries of laws that—

(I) recognize and adequately protect intellectual property, including copyrights, patents, trademarks, semiconductor chip layout designs, and trade secrets, and

(II) provide protection against unfair competition;

(ii) accelerating and ensuring the full implementation of the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)), and achieving improvements in the standards of that Agreement;

(iii) providing strong protection for new and emerging technologies and new methods of transmitting and distributing products embodying intellectual property;

(iv) preventing or eliminating discrimination with respect to matters affecting the availability, acquisition, scope, maintenance, use, and enforcement of intellectual property rights; and

(v) providing for strong enforcement of intellectual property rights through accessible, expeditious, and effective civil, administrative, and criminal enforcement mechanisms;

(B) to secure fair, equitable, and nondiscriminatory market access opportunities for United States persons that rely on intellectual property protection; and

(C) to recognize that the inclusion in the WTO of—

(i) adequate and effective substantive norms and standards for the protection and enforcement of intellectual property rights, and

(ii) dispute settlement provisions and enforcement procedures,

is without prejudice to other complementary initiatives undertaken in other international organizations.

(5) AGRICULTURE.—The principal negotiating objectives of the United States with respect to agriculture are, in addition to those set forth in section 1123(b) of the Food Security Act of 1985 (7 U.S.C. 1736r(b)), to achieve, on an expedited basis to the maximum extent feasible, more open and fair conditions of trade in agricultural commodities by—

(A) developing, strengthening, and clarifying rules for agricultural trade, including disciplines on restrictive or trade-distorting import and export practices such as those that would impact perishable or cyclical products;

(B) increasing United States agricultural exports by eliminating barriers to trade (including transparent and nontransparent barriers) and reducing or eliminating the subsidization of agricultural production consistent with the United States policy of agricultural stabilization in cyclical and unpredictable markets;

(C) creating a free and more open world agricultural trading system by resolving questions pertaining to export and other trade-distorting subsidies, market pricing, and market access;

(D) eliminating or reducing substantially other specific constraints to fair trade and more open market access, such as tariffs, quotas, and other nontariff practices; and

(E) developing, strengthening, and clarifying rules that address practices that unfairly decrease United States market access opportunities or distort agricultural markets to the detriment of the United States, including—

(i) unfair or trade-distorting activities of state trading enterprises and other administrative mechanisms, including lack of price transparency;

(ii) unjustified restrictions or commercial requirements affecting new technologies, including biotechnology;

(iii) unjustified sanitary or phytosanitary restrictions;

(iv) other unjustified technical barriers to trade; and

(v) restrictive rules in the administration of tariff-rate quotas.

(6) UNFAIR TRADE PRACTICES.—The principal negotiating objectives of the United States with respect to unfair trade practices are—

(A) to enhance the operation and effectiveness of the relevant Uruguay Round Agreements and any other agreements designed to define, deter, discourage the persistent use of, and otherwise discipline, unfair trade practices having adverse trade effects, including forms of subsidy and dumping not adequately disciplined, such as resource input subsidies, diversionary dumping, dumped or subsidized inputs, third country dumping, circumvention of antidumping or countervailing duty orders, and export targeting practices; and

(B) to obtain the enforcement of WTO rules against—

(i) trade-distorting practices of state trading enterprises, and

(ii) the acts, practices, or policies of any foreign government which, as a practical matter, unreasonably require that—

(I) substantial direct investment in the foreign country be made,

(II) intellectual property be licensed to the foreign country or to any firm of the foreign country, or

(III) other collateral concessions be made, as a condition for the importation of any product or service of the United States into the foreign country or as a condition for carrying on business in the foreign country.

(7) SAFEGUARDS.—The principal negotiating objectives of the United States regarding safeguards are—

(A) to improve and expand rules and procedures covering safeguard measures;

(B) to ensure that safeguard measures are—

(i) transparent,

(ii) temporary,

(iii) degressive, and

(iv) subject to review and termination when no longer necessary to remedy injury and to facilitate adjustment; and

(C) to require notification of, and to monitor the use by, WTO members of import relief actions for their domestic industries.

(8) IMPROVEMENT OF THE WTO AND MULTILATERAL TRADE AGREEMENTS.—The principal negotiating objectives of the United States regarding the improvement of the WTO and other multilateral trade agreements are—

(A) to improve the operation and extend the coverage of the WTO and such agreements to products, sectors, and conditions of trade not adequately covered; and

(B) to expand country participation in particular agreements, where appropriate.

(9) DISPUTE SETTLEMENT.—The principal negotiating objectives of the United States with respect to dispute settlement are—

(A) to provide for effective and expeditious dispute settlement mechanisms and procedures in any trade agreement entered into under this authority; and

(B) to ensure that such mechanisms within the WTO and agreements concluded under the auspices of the WTO provide for more effective and expeditious resolution of disputes and enable better enforcement of United States rights.

(10) TRANSPARENCY.—The principal negotiating objective of the United States regarding transparency is to obtain broader application of the principle of transparency through increased public access to information regarding trade issues, clarification of the costs and benefits of trade policy actions, and the observance of open and equitable procedures by United States trading partners and within the WTO.

(11) DEVELOPING COUNTRIES.—The principal negotiating objectives of the United States regarding developing countries are—

(A) to ensure that developing countries promote economic development by assuming the fullest possible measure of responsibility for achieving and maintaining an open international trading system by providing reciprocal benefits and assuming equivalent obligations with respect to their import and export practices; and

(B) to establish procedures for reducing nonreciprocal trade benefits for the more advanced developing countries.

(12) CURRENT ACCOUNT SURPLUSES.—The principal negotiating objective of the United States regarding current account surpluses is to promote policies to address large and persistent global current account imbalances of countries (including imbalances which threaten the stability of the international trading system), by imposing greater responsibility on such countries to undertake policy changes aimed at restoring current account equilibrium through expedited implementation of trade agreements where feasible and appropriate.

(13) ACCESS TO HIGH TECHNOLOGY.—

(A) The principal negotiating objective of the United States regarding access to high technology is to obtain the elimination or reduction of foreign barriers to, and acts, policies, or practices by foreign governments which limit, equitable access by United States persons to foreign-developed technology, including barriers, acts, policies, or practices which have the effect of—

(i) restricting the participation of United States persons in government-supported research and development projects;

(ii) denying equitable access by United States persons to government-held patents;

(iii) requiring the approval of government entities, or imposing other forms of government intervention, as a condition of granting licenses to United States persons by foreign persons (other than approval which may be necessary for national security purposes to control the export of critical military technology); and

(iv) otherwise denying equitable access by United States persons to foreign-developed technology or contributing to the inequitable flow of technology between the United States and its trading partners.

(B) In pursuing the negotiating objective described in subparagraph (A), the United States negotiators shall take into account United States Government policies in licensing or otherwise making available to foreign persons technology and other information developed by United States laboratories.

(14) BORDER TAXES.—The principal negotiating objective of the United States regarding border taxes is, within the WTO, to obtain a revision of the treatment of border adjustments for internal taxes in order to redress the disadvantage to countries that rely primarily on direct taxes rather than indirect taxes for revenue.

(15) REGULATORY COMPETITION.—The principal trade negotiating objectives of the United States regarding the use of government regulation or other practices by foreign governments to provide a competitive advantage to their domestic producers, service providers, or investors and thereby reduce market access for United States goods, services, and investment are—

(A) to ensure that government regulation and other government practices do not unfairly discriminate against United States goods, services, or investment; and

(B) to prevent the use of foreign government regulation and other government practices, including the lowering of, or derogation from, existing labor (including child labor), health and safety, or environmental standards, for the purpose of attracting investment or inhibiting United States exports.

Nothing in subparagraph (B) shall be construed to authorize in an implementing bill,

or in an agreement subject to an implementing bill, the inclusion of provisions that would restrict the autonomy of the United States in these areas.

(c) INTERNATIONAL ECONOMIC POLICY OBJECTIVES DESIGNED TO REINFORCE THE TRADE AGREEMENTS PROCESS.—

(1) IN GENERAL.—It is the policy of the United States to reinforce the trade agreements process by—

(A) fostering stability in international currency markets and developing mechanisms to assure greater coordination, consistency, and cooperation between international trade and monetary systems and institutions in order to protect against the trade consequences of significant and unanticipated currency movements;

(B) supplementing and strengthening standards for protection of intellectual property rights under conventions designed to protect such rights that are administered by international organizations other than the WTO, expanding the conventions to cover new and emerging technologies, and eliminating discrimination and unreasonable exceptions or preconditions to such protection;

(C) promoting respect for workers' rights, by—

(i) reviewing the relationship between workers' rights and the operation of international trading systems and specific trade arrangements; and

(ii) seeking to establish in the International Labor Organization (referred to in this Act as the "ILO") a mechanism for the systematic examination of, and reporting on, the extent to which ILO members promote and enforce the freedom of association, the right to organize and bargain collectively, a prohibition on the use of forced labor, a prohibition on exploitative child labor, and a prohibition on discrimination in employment; and

(D) expanding the production of goods and trade in goods and services to ensure the optimal use of the world's resources, while seeking to protect and preserve the environment and to enhance the international means for doing so.

(2) APPLICATION OF PROCEDURES.—Nothing in this subsection shall be construed to authorize the use of the trade agreement approval procedures described in section 3 to modify United States law.

SEC. 3. TRADE AGREEMENT NEGOTIATING AUTHORITY.

(a) AGREEMENTS REGARDING TARIFF BARRIERS.—

(1) IN GENERAL.—Whenever the President determines that 1 or more existing duties or other import restrictions of any foreign country or the United States are unduly burdening and restricting the foreign trade of the United States and that the purposes, policies, and objectives of this Act will be promoted thereby, the President—

(A) may enter into trade agreements with foreign countries before—

(i) October 1, 2001, or

(ii) October 1, 2005, if the authority provided by this Act is extended under subsection (c); and

(B) may, consistent with paragraphs (2) through (5), proclaim—

(i) such modification or continuance of any existing duty,

(ii) such continuance of existing duty-free or excise treatment, or

(iii) such additional duties,

as the President determines to be required or appropriate to carry out any such trade agreement.

(2) LIMITATIONS.—No proclamation may be made under paragraph (1) that—

(A) reduces any rate of duty (other than a rate of duty that does not exceed 5 percent ad valorem on the date of enactment of this Act) to a rate which is less than 50 percent of the rate of such duty that applies on such date of enactment;

(B) provides for a reduction of duty on an article to take effect on a date that is more than 10 years after the first reduction that is proclaimed to carry out a trade agreement with respect to such article; or

(C) increases any rate of duty above the rate that applied on the date of enactment of this Act.

(3) AGGREGATE REDUCTION; EXEMPTION FROM STAGING.—

(A) AGGREGATE REDUCTION.—Except as provided in subparagraph (B), the aggregate reduction in the rate of duty on any article which is in effect on any day pursuant to a trade agreement entered into under paragraph (1) shall not exceed the aggregate reduction which would have been in effect on such day if—

(i) a reduction of 3 percent ad valorem or a reduction of one-tenth of the total reduction, whichever is greater, had taken effect on the effective date of the first reduction proclaimed under paragraph (1) to carry out such agreement with respect to such article; and

(ii) a reduction equal to the amount applicable under clause (i) had taken effect at 1-year intervals after the effective date of such first reduction.

(B) EXEMPTION FROM STAGING.—No staging under subparagraph (A) is required with respect to a rate reduction that is proclaimed under paragraph (1) for an article of a kind that is not produced in the United States. The United States International Trade Commission shall advise the President of the identity of articles that may be exempted from staging under this subparagraph.

(4) ROUNDING.—If the President determines that such action will simplify the computation of reductions under paragraph (3), the President may round an annual reduction by the lesser of—

(A) the difference between the reduction without regard to this paragraph and the next lower whole number; or

(B) one-half of 1 percent ad valorem.

(5) OTHER LIMITATIONS.—A rate of duty reduction or increase that may not be proclaimed by reason of paragraph (2) may take effect only if a provision authorizing such reduction or increase is included within an implementing bill provided for under section 5 and that bill is enacted into law.

(6) EXPANDED TARIFF PROCLAMATION AUTHORITY.—

(A) IN GENERAL.—Notwithstanding the provisions of paragraphs (1) through (5), before October 1, 2001 (or before October 1, 2005, if the authority provided by this Act is extended under subsection (c)), and subject to the consultation and layover requirements of section 115 of the Uruguay Round Agreements Act (19 U.S.C. 3524) and the notification and consultation requirements of section 4(a) of this Act, the President may proclaim the modification of any duty or staged rate reduction of any duty set forth in Schedule XX, as defined in section 2(5) of the Uruguay Round Agreements Act, if the United States has agreed to such modification or staged rate reduction in a negotiation for the reciprocal elimination or harmonization of duties, within the same tariff categories, under the auspices of the World Trade Organization or as part of an interim agreement leading to the formation of a regional free-trade area.

(B) NOTICE REQUIRED.—The modification or staged rate reduction authorized under subparagraph (A) with respect to any negotiation initiated after the date of enactment of this Act may be proclaimed only on articles in tariff categories with respect to which the President has provided notice in accordance with section 4(a).

(7) TARIFF MODIFICATIONS UNDER URUGUAY ROUND AGREEMENTS ACT.—Nothing in this subsection shall limit the authority provided to the President under section 111(b) of the Uruguay Round Agreements Act.

(b) AGREEMENTS REGARDING TARIFF AND NONTARIFF BARRIERS.—

(1) IN GENERAL.—

(A) DETERMINATION BY PRESIDENT.—Whenever the President determines that—

(i) any duty or other import restriction imposed by any foreign country or the United States or any other barrier to, or other distortion of, international trade—

(I) unduly burdens or restricts the foreign trade of the United States or adversely affects the United States economy, or

(II) is likely to result in such a burden, restriction, or effect, and

(ii) the purposes, policies, and objectives of this Act will be promoted thereby,

the President may, before October 1, 2001 (or before October 1, 2005, if the authority provided under this Act is extended under subsection (c)) enter into a trade agreement described in subparagraph (B).

(B) TRADE AGREEMENT DESCRIBED.—A trade agreement described in this subparagraph means an agreement with a foreign country that provides for—

(i) the reduction or elimination of such duty, restriction, barrier, or other distortion; or

(ii) the prohibition of, or limitation on the imposition of, such barrier or other distortion.

(2) CONDITIONS.—A trade agreement may be entered into under this subsection only if—

(A) such agreement makes progress in meeting the applicable objectives described in section 2(b); and

(B) the President satisfies the conditions set forth in section 4 with respect to such agreement.

(3) BILLS QUALIFYING FOR TRADE AGREEMENT APPROVAL PROCEDURES.—The provisions of section 151 of the Trade Act of 1974 (in this Act referred to as "trade agreement approval procedures") apply to implementing bills submitted with respect to trade agreements entered into under this subsection, except that, for purposes of applying section 151(b)(1), such implementing bills shall contain only—

(A) provisions that approve a trade agreement entered into under this subsection that achieves one or more of the principal negotiating objectives set forth in section 2(b) and the statement of administrative action (if any) proposed to implement such trade agreement;

(B) provisions that are—

(i) necessary to implement such agreement; or

(ii) otherwise related to the implementation, enforcement, and adjustment to the effects of such trade agreement and are directly related to trade; and

(C) provisions necessary for purposes of complying with section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 in implementing the applicable trade agreement.

(c) EXTENSION PROCEDURES.—

(1) IN GENERAL.—Except as provided in section 5(b)—

(A) subsections (a) and (b) shall apply with respect to agreements entered into before October 1, 2001; and

(B) subsections (a) and (b) shall be extended to apply with respect to agreements entered into on or after October 1, 2001, and before October 1, 2005, if (and only if)—

(i) the President requests such extension under paragraph (2); and

(ii) neither House of Congress adopts an extension disapproval resolution under paragraph (5) before October 1, 2001.

(2) REPORT TO CONGRESS BY THE PRESIDENT.—If the President is of the opinion that the authority under subsections (a) and (b) should be extended, the President shall submit to Congress, not later than July 1, 2001, a written report that contains a request for such extension, together with—

(A) a description of all trade agreements that have been negotiated under subsections (a) and (b) and, where applicable, the anticipated schedule for submitting such agreements to Congress for approval;

(B) a description of the progress that has been made in negotiations to achieve the purposes, policies, and objectives set out in section 2 (a) and (b) of this Act, and a statement that such progress justifies the continuation of negotiations; and

(C) a statement of the reasons why the extension is needed to complete the negotiations.

(3) REPORT TO CONGRESS BY THE ADVISORY COMMITTEE.—The President shall promptly inform the Advisory Committee for Trade Policy and Negotiations established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) of the President's decision to submit a report to Congress under paragraph (2). The Advisory Committee shall submit to Congress as soon as practicable, but not later than August 1, 2001, a written report that contains—

(A) its views regarding the progress that has been made in negotiations to achieve the purposes, policies, and objectives of this Act; and

(B) a statement of its views, and the reasons therefor, regarding whether the extension requested under paragraph (2) should be approved or disapproved.

(4) REPORTS MAY BE CLASSIFIED.—The reports submitted to Congress under paragraphs (2) and (3), or any portion of the reports, may be classified to the extent the President determines appropriate.

(5) EXTENSION DISAPPROVAL RESOLUTIONS.—

(A) IN GENERAL.—For purposes of this subsection, the term "extension disapproval resolution" means a resolution of either House of Congress, the sole matter after the resolving clause of which is as follows: "That the ___ disapproves the request of the President for an extension, under section 3(c) of the Reciprocal Trade Agreements Act of 1997, of _____ after September 30, 2001.", with the first blank space being filled with the name of the resolving House of Congress and the second blank space being filled with one or both of the following phrases: "the tariff proclamation authority provided under section 3(a) of the Reciprocal Trade Agreements Act of 1997" or "the trade agreement approval procedures provided under section 3(b) of the Reciprocal Trade Agreements Act of 1997".

(B) INTRODUCTION AND REFERRAL.—Extension disapproval resolutions—

(i) may be introduced in either House of Congress by any member of such House;

(ii) shall be jointly referred, in the House of Representatives, to the Committee on Ways and Means and the Committee on Rules; and

(iii) shall be referred, in the Senate, to the Committee on Finance.

(C) FLOOR CONSIDERATION.—The provisions of sections 152(d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192(d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to extension disapproval resolutions.

(D) COMMITTEE ACTION REQUIRED.—It is not in order for—

(i) the Senate to consider any extension disapproval resolution not reported by the Committee on Finance;

(ii) the House of Representatives to consider any extension disapproval resolution not reported by the Committee on Ways and Means and the Committee on Rules; or

(iii) either House of Congress to consider an extension disapproval resolution after September 30, 2001.

SEC. 4. NOTICE AND CONSULTATIONS.

(a) NOTICE AND CONSULTATION BEFORE NEGOTIATION.—With respect to any agreement subject to the provisions of section 3 (a) or (b), the President shall—

(1) not later than 90 calendar days before initiating negotiations, provide written notice to Congress regarding—

(A) the President's intent to initiate the negotiations;

(B) the date the President intends to initiate such negotiations;

(C) the specific United States objectives for the negotiations; and

(D) whether the President intends to seek an agreement or changes to an existing agreement;

(2) consult regarding the negotiations—

(A) before and promptly after submission of the notice described in paragraph (1), with the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and such other committees of the House and Senate as the President deems appropriate; and

(B) with any other committee that requests consultations in writing; and

(3) consult with the appropriate industry sector advisory groups established under section 135 of the Trade Act of 1974 before initiating negotiations.

(b) CONSULTATION WITH CONGRESS BEFORE AGREEMENT ENTERED INTO.—

(1) CONSULTATION.—Before entering into any trade agreement under section 3 (a) or (b), the President shall consult with—

(A) the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate; and

(B) each other committee of the House and the Senate, and each joint committee of Congress, which has jurisdiction over legislation involving subject matters that would be affected by the trade agreement.

(2) SCOPE.—The consultation described in paragraph (1) shall include consultation with respect to—

(A) the nature of the agreement;

(B) how and to what extent the agreement will achieve the applicable purposes, policies, and objectives of this Act;

(C) where applicable, the implementation of the agreement under section 5, including whether the agreement includes subject matter for which supplemental implementing legislation may be required which is not subject to trade agreement approval procedures; and

(D) any other agreement the President has entered into or intends to enter into with the country or countries in question.

(c) ADVISORY COMMITTEE REPORTS.—The report required under section 135(e)(1) of the Trade Act of 1974 regarding any trade agreement entered into under section 3(b) of this Act shall be provided to the President, Congress, and the United States Trade Representative not later than 30 calendar days after the date on which the President notifies Congress under section 5(a)(1)(A) of the President's intention to enter into the agreement.

(d) CONSULTATION BEFORE AGREEMENT INITIALED.—In the course of negotiations conducted under this Act, the United States Trade Representative shall consult closely and on a timely basis (including immediately before initialing an agreement) with, and keep fully apprised of the negotiations, the congressional advisers for trade policy and negotiations appointed under section 161 of the Trade Act of 1974 (19 U.S.C. 2211), the Committee on Finance of the Senate, and the Committee on Ways and Means of the House of Representatives.

SEC. 5. IMPLEMENTATION OF TRADE AGREEMENTS.

(a) IN GENERAL.—

(1) NOTIFICATION AND SUBMISSION.—Any agreement entered into under section 3(b) shall enter into force with respect to the United States if (and only if)—

(A) the President, at least 90 calendar days before the day on which the President enters into the trade agreement, notifies the House of Representatives and the Senate of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register;

(B) within 60 calendar days after entering into the agreement, the President submits to Congress a description of those changes to existing laws that the President considers would be required in order to bring the United States into compliance with the agreement;

(C) after entering into the agreement, the President submits a copy of the final legal text of the agreement, together with—

(i) a draft of an implementing bill described in section 3(b)(3);

(ii) a statement of any administrative action proposed to implement the trade agreement; and

(iii) the supporting information described in paragraph (2); and

(D) the implementing bill is enacted into law.

(2) SUPPORTING INFORMATION.—The supporting information required under paragraph (1)(C)(iii) consists of—

(A) an explanation as to how the implementing bill and proposed administrative action will change or affect existing law; and

(B) a statement—

(i) asserting that the agreement makes progress in achieving the applicable purposes, policies, and objectives of this Act; and

(ii) setting forth the reasons of the President regarding—

(I) how and to what extent the agreement makes progress in achieving the applicable purposes, policies, and objectives referred to in clause (i), and why and to what extent the agreement does not achieve other applicable purposes, policies, and objectives;

(II) whether and how the agreement changes provisions of an agreement previously negotiated;

(III) how the agreement serves the interests of United States commerce;

(IV) why the implementing bill qualifies for trade agreement approval procedures under section 3(b)(3); and

(V) any proposed administrative action.

(3) RECIPROCAL BENEFITS.—To ensure that a foreign country which receives benefits

under a trade agreement entered into under section 3 (a) or (b) is subject to the obligations imposed by such agreement, the President shall recommend to Congress in the implementing bill and statement of administrative action submitted with respect to such agreement that the benefits and obligations of such agreement apply solely to the parties to such agreement, if such application is consistent with the terms of such agreement. The President may also recommend with respect to any such agreement that the benefits and obligations of such agreement not apply uniformly to all parties to such agreement, if such application is consistent with the terms of such agreement.

(b) LIMITATIONS ON TRADE AGREEMENT APPROVAL PROCEDURES.—

(1) DISAPPROVAL OF THE NEGOTIATION.—The trade agreement approval procedures shall not apply to any implementing bill that contains a provision approving any trade agreement that is entered into under section 3(b) with any foreign country if the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives disapprove of the negotiation of the agreement before the close of the 90-calendar day period that begins on the date notice is provided under section 4(a)(1) with respect to the negotiation of such agreement.

(2) FOR LACK OF NOTICE OR CONSULTATIONS.—

(A) IN GENERAL.—The trade agreement approval procedures shall not apply to any implementing bill submitted with respect to a trade agreement entered into under section 3(b) if during the 60-day period beginning on the date that one House of Congress agrees to a procedural disapproval resolution for lack of notice or consultations with respect to that trade agreement, the other House separately agrees to a procedural disapproval resolution with respect to that agreement.

(B) PROCEDURAL DISAPPROVAL RESOLUTION.—For purposes of this paragraph, the term "procedural disapproval resolution" means a resolution of either House of Congress, the sole matter after the resolving clause of which is as follows: "That the President has failed or refused to notify or consult (as the case may be) with Congress in accordance with sections 4 and 5 of the Reciprocal Trade Agreements Act of 1997 with respect to ____ and, therefore, the trade agreement approval procedures set forth in section 3(b) of that Act shall not apply to any implementing bill submitted with respect to that trade agreement.", with the blank space being filled with a description of the trade agreement with respect to which the President is considered to have failed or refused to notify or consult.

(C) COMPUTATION OF CERTAIN PERIODS OF TIME.—The 60-day period of time described in subparagraph (A) shall be computed without regard to—

(i) the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die; and

(ii) any Saturday and Sunday, not excluded under clause (i), when either House of Congress is not in session.

(3) PROCEDURES FOR CONSIDERING PROCEDURAL DISAPPROVAL RESOLUTIONS.—

(A) PROCEDURAL DISAPPROVAL RESOLUTIONS.—Procedural disapproval resolutions—

(i) in the House of Representatives—

(I) shall be introduced by the chairman or ranking minority member of the Committee on Ways and Means or the chairman or ranking minority member of the Committee on Rules;

(II) shall be jointly referred to the Committee on Ways and Means and the Committee on Rules; and

(III) may not be amended by either Committee; and

(ii) in the Senate shall be original resolutions of the Committee on Finance.

(B) FLOOR CONSIDERATION.—The provisions of section 152 (d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to procedural disapproval resolutions.

(C) COMMITTEE ACTION REQUIRED.—

(i) HOUSE OF REPRESENTATIVES.—It is not in order for the House of Representatives to consider any procedural disapproval resolution not reported by the Committee on Ways and Means and the Committee on Rules.

(ii) SENATE.—It is not in order for the Senate to consider any procedural disapproval resolution not reported by the Committee on Finance.

(c) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—Subsection (b) of this section and section 3(c) are enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such are deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

SEC. 6. TREATMENT OF CERTAIN TRADE AGREEMENTS.

(a) IN GENERAL.—Notwithstanding section 3(a)(6)(B) and section 3(b)(2), the provisions of section 4(a) shall not apply with respect to agreements that result from—

(1) negotiations under the auspices of the World Trade Organization regarding trade in information technology products;

(2) negotiations or work programs initiated pursuant to a Uruguay Round Agreement, as defined in section 2 of the Uruguay Round Agreements Act; or

(3) negotiations with Chile,

that were commenced before the date of enactment of this Act, and the applicability of trade agreement approval procedures with respect to such agreements shall be determined without regard to the requirements of section 4(a).

(b) PROCEDURAL DISAPPROVAL RESOLUTION NOT IN ORDER.—A procedural disapproval resolution under section 5(b) shall not be in order with respect to an agreement described in subsection (a) of this section based on a failure or refusal to comply with section 4(a).

SEC. 7. CONFORMING AMENDMENTS.

(a) IN GENERAL.—Title I of the Trade Act of 1974 (19 U.S.C. 2111 et seq.) is amended as follows:

(1) IMPLEMENTING BILL.—

(A) Section 151(b)(1) (19 U.S.C. 2191(b)(1)) is amended—

(i) by striking "section 1103(a)(1) of the Omnibus Trade and Competitiveness Act of 1988, or section 282 of the Uruguay Round Agreements Act" and inserting "section 282 of the Uruguay Round Agreements Act, or section 5(a)(1) of the Reciprocal Trade Agreements Act of 1997"; and

(ii) by adding after subparagraph (C) the following flush sentence:

"For purposes of applying this paragraph to implementing bills submitted with respect to trade agreements entered into under section 3(b) of the Reciprocal Trade Agreements Act of 1997, subparagraphs (A), (B), and (C) of section 3(b)(3) of such Act shall be substituted for subparagraphs (A), (B), and (C) of this paragraph.".

(B) Section 151(c)(1) (19 U.S.C. 2191(c)(1)) is amended by striking "or section 282 of the Uruguay Round Agreements Act" and inserting ", section 282 of the Uruguay Round Agreements Act, or section 5(a)(1) of the Reciprocal Trade Agreements Act of 1997".

(2) ADVICE FROM INTERNATIONAL TRADE COMMISSION.—Section 131 (19 U.S.C. 2151) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking "section 123 of this Act or section 1102 (a) or (c) of the Omnibus Trade and Competitiveness Act of 1988," and inserting "section 123 of this Act or section 3 (a) or (b) of the Reciprocal Trade Agreements Act of 1997,"; and

(ii) in paragraph (2), by striking "section 1102 (b) or (c) of the Omnibus Trade and Competitiveness Act of 1988" and inserting "section 3(b) of the Reciprocal Trade Agreements Act of 1997";

(B) in subsection (b), by striking "section 1102(a)(3)(A)" and inserting "section 3(a)(3)(A) of the Reciprocal Trade Agreements Act of 1997" before the end period; and

(C) in subsection (c), by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988," and inserting "section 3 of the Reciprocal Trade Agreements Act of 1997,".

(3) HEARINGS AND ADVICE.—Sections 132, 133(a), and 134(a) (19 U.S.C. 2152, 2153(a), and 2154(a)) are each amended by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988," each place it appears and inserting "section 3 of the Reciprocal Trade Agreements Act of 1997,".

(4) PREREQUISITES FOR OFFERS.—Section 134(b) (19 U.S.C. 2154(b)) is amended by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988" and inserting "section 3 of the Reciprocal Trade Agreements Act of 1997".

(5) ADVICE FROM PRIVATE AND PUBLIC SECTORS.—Section 135 (19 U.S.C. 2155) is amended—

(A) in subsection (a)(1)(A), by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988" and inserting "section 3 of the Reciprocal Trade Agreements Act of 1997";

(B) in subsection (e)(1)—

(i) by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988" each place it appears and inserting "section 3 of the Reciprocal Trade Agreements Act of 1997"; and

(ii) by striking "section 1103(a)(1)(A) of such Act of 1988" and inserting "section 5(a)(1)(A) of the Reciprocal Trade Agreements Act of 1997"; and

(C) in subsection (e)(2), by striking "the applicable overall and principal negotiating objectives set forth in section 1101 of the Omnibus Trade and Competitiveness Act of 1988" and inserting "the purposes, policies, and objectives set forth in section 2 (a) and (b) of the Reciprocal Trade Agreements Act of 1997".

(6) TRANSMISSION OF AGREEMENTS TO CONGRESS.—Section 162(a) (19 U.S.C. 2212(a)) is amended by striking "or under section 1102 of the Omnibus Trade and Competitiveness Act of 1988" and inserting "or under section 3 of the Reciprocal Trade Agreements Act of 1997".

(b) APPLICATION OF CERTAIN PROVISIONS.—For purposes of applying sections 125, 126, and 127 of the Trade Act of 1974 (19 U.S.C. 2135, 2136(a), and 2137)—

(1) any trade agreement entered into under section 3 shall be treated as an agreement entered into under section 101 or 102, as appropriate, of the Trade Act of 1974 (19 U.S.C. 2111 or 2112); and

(2) any proclamation or Executive order issued pursuant to a trade agreement entered into under section 3 shall be treated as a proclamation or Executive order issued pursuant to a trade agreement entered into under section 102 of the Trade Act of 1974.

SEC. 8. TRADE ADJUSTMENT ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is amended—

(A) in subsection (a), by striking "1993, 1994, 1995, 1996, 1997, and" and inserting "1999, and 2000," after "1998,"; and

(B) in subsection (b), by striking "1994, 1995, 1996, 1997, and" and inserting "1999, and 2000," after "1998,".

(2) ASSISTANCE FOR FIRMS.—Section 256(b) of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended by striking "1993, 1994, 1995, 1996, 1997, and" and inserting ", 1999, and 2000," after "1998".

(b) TERMINATION.—Section 285(c) of the Trade Act of 1974 (19 U.S.C. 2271 note preceding) is amended—

(1) in paragraph (1), by striking "1998" and inserting "2000"; and

(2) in paragraph (2)(A), by striking "the day that is" and all that follows through "effective" and inserting "September 30, 2000".

SEC. 9. FEES FOR CERTAIN CUSTOMS SERVICES.

Section 13031(b)(1)(C) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(1)(C)) is amended by striking "to fiscal years" and all that follows through "1997" and inserting "before September 1, 1998".

SEC. 10. DEFINITIONS.

In this Act:

(1) DISTORTION.—The term "distortion" includes, but is not limited to, a subsidy.

(2) TRADE.—The term "trade" includes, but is not limited to—

(A) trade in both goods and services; and

(B) foreign investment by United States persons, especially if such investment has implications for trade in goods and services.

(3) URUGUAY ROUND AGREEMENTS.— The term "Uruguay Round Agreements" has the meaning given such term in section 2(7) of the Uruguay Round Agreements Act (19 U.S.C. 3501(7).

(4) WORLD TRADE ORGANIZATION.—The term "World Trade Organization" means the organization established pursuant to the WTO Agreement.

(5) WTO AGREEMENT.—The term "WTO Agreement" means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

(6) WTO AND WTO MEMBER.—The terms "WTO" and "WTO member" have the meanings given those terms in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

COVERDELL AMENDMENT NO. 3153

(Ordered to lie on the table.)

Mr. COVERDELL submitted an amendment intended to be proposed by him to the bill, S. 2159, supra; as follows:

On page 14, line 17, strike "in all, $434,782,000" and insert "$550,000 for research to detect or prevent colonization of E. coli:0157H7 in live cattle; in all, $435,332,000".

On page 49, line 23, strike "$131,795,000" and insert "$131,245,000".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that the hearing regarding H.R. 856, a bill to provide a process leading to full self-government for Puerto Rico; and S. 472, a bill to provide for referenda in which the residents of Puerto Rico may express democratically their preferences regarding the political status of the territory, and for other purposes, which began Tuesday, July 14 will continue on Wednesday, July 15 at 9:00 a.m. in room SH–216 of the Hart Senate Office Building in Washington, DC.

For further information, please call Jim Beirne (202–224–2564) or Betty Nevitt (202–224–0765).

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that the previously announced hearing by the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources for July 21, 1998 has been postponed.

The hearing was scheduled to take place Tuesday, July 21, 1998, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC to receive testimony on S. 1964, the Ivanpah Valley Airport Public Land Transfer Act.

For further information, please call Amie Brown or Mike Menge (202) 224–6170.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that a full committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Thursday, July 23, 1998, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to conduct oversight on the results of the Arctic National Wildlife Refuge, 1002 Area, Petroleum Assessment, 1998, conducted by the United States Geological Survey.

Those who wish to submit written testimony should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Presentation of oral testimony is by Committee invitation only. For further information, please contact Jo Meuse or Brian Malnak at (202) 224–6730.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, July 14, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to receive testimony on H.R. 856, a bill to provide a process leading to full self-government for Puerto Rico; and S. 472, a bill to provide for referenda in which the residents of Puerto Rico may express democratically their preferences regarding the political status of the territory, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. COCHRAN. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Tuesday, July 14, 1998 beginning at 9:30 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, July 14, 1998 at 2:00 p.m. to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs be authorized to meet during the session of the Senate on Tuesday, July 14, 1998 at 10:00 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be granted permission to conduct a hearing Tuesday, July 14, 9:30 a.m., hearing room (SD–406), on S. 1647, to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965, and other pending legislation to reauthorize.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, July 14, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:30 p.m. The purpose of this hearing is to receive testimony on S. 1515, the Dakota Water Resources Act of 1997; S. 2111, a bill to establish the conditions under which

the Bonneville Power Administration and certain Federal agencies may enter into a memorandum of agreement concerning management of the Columbia/Snake River Basin, to direct the Secretary of the Interior to appoint an advisory committee to make recommendations regarding activities under the memorandum of understanding, and for other purposes; and S. 2117, the Perkins County Rural Water System Act of 1997.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO ROLAND W. CULPEPPER, JR.

• Mr. WARNER. Mr. President, I rise today to honor the retirement of Roland W. Culpepper, Jr., an extraordinary individual who has rendered thirty-three years of civil service not only to the Commonwealth of Virginia, but also to the nation.

Mr. Culpepper, who resides in Chesapeake, Virginia, with his wife, Shirley, will soon enter into retirement after a lifetime of service in the Norfolk District of the United States Army Corps of Engineers.

During his time in the Norfolk District, Mr. Culpepper's expertise and professionalism facilitated his ascendance to the Chief of Programs and Project Management. His responsibilities included full delegated authority for the Norfolk District's Civil Works, Military, Environmental and Support for Others programs and projects. Preceding his duties as the Chief of Programs and Project Management, Mr. Culpepper spent a full twelve years as Chief, Plan Formulation Branch where he was responsible for the management of several large comprehensive water resources studies which led to Congressional-authorized projects. Afterwards, Mr. Culpepper moved to the administrative level within the Norfolk District as the Deputy Chief of the Planning and subsequently, served as Chief, Planning Division in 1986.

Throughout his thirty-three year career as a professional engineer, Mr. Culpepper has received numerous awards and distinctions in recognition of his exceptional career. Among them, Mr. Culpepper has received the Meritorious Civilian Service Award, the Commander's Award for Civilian Service, and the Engineer of the Year Award. Further distinguishing his performance is Mr. Culpepper's graduation from the Executive Development Program for the Engineers and Scientists Career Program in 1993.

Mr. President, Mr. Culpepper's thirty-three years of exceptional service, his numerous awards, and his distinguished education serve as testament of his dedication to the environmental improvement of the Commonwealth of Virginia and our country. I urge my colleagues to stand and join me in paying tribute to Roland W. Culpepper, Jr., and in wishing him happiness and contentment in his well-deserved retirement.•

CONFERENCE REPORT ON THE IRS REFORM AND RESTRUCTURING BILL (H.R. 2676)

• Mr. CLELAND. Mr. President, as we approached the final Senate vote on H.R. 2676, the IRS Reform and Restructuring bill, I was reminded of Dickens' "A Tale of Two Cities". As a conferee on this badly needed piece of legislation, I am led to observe that it is the best of bills, it is the worst of bills.

In its germane provisions reforming the operations of the Internal Revenue Service it represents the best of Congress in identifying and enacting legislation to address the real needs of American citizens. But in its last minute, secretive addition of several extraneous matters, most notably the ISTEA technical corrections, it represents the Congress at its worst in circumventing public debate and scrutiny.

In its putting the emphasis on the "Service" part of the IRS it demonstrates the best of policy-making in pursuit of the public interest which should be the focus of our efforts as national legislators. But, it also demonstrates the worst of our process in that in our haste to get something done rapidly, before the July 4 break, we are willing to cut some corners on important matters of national security.

Mr. President, I support, 100 percent, the public's right to know when a federal agency abuses a taxpayer, and I support the public's demand for a remedy to that intolerable situation. I was extremely proud to have been chosen to serve as a member of the conference committee on the IRS bill. Chairman ROTH, Vice Chairman ARCHER, Senator MOYNIHAN, Congressman RANGEL, and the remaining conferees from the Senate Finance Committee and the House Ways and Means Committee did yeoman's work in crafting one of the most significant acts of the 105th Congress—the IRS Reform and Restructuring bill.

This is groundbreaking legislation which recreates the IRS and puts in place dramatic changes which will make the agency more accountable to the American taxpayer. This bill revives the original purpose of the Internal Revenue Service: to collect tax revenue while providing the assistance and service taxpayers deserve.

Most importantly, taxpayers will receive overdue rights under the IRS Reform and Restructuring Act. Under the new law, the burden of proof will lie with the IRS, and taxpayers' rights in recovering civil damages as a result of unacceptable collection practices by the IRS will be expanded. An "innocent spouse" provision is also contained in this legislation. This provides that all understated tax is transferred to the culpable spouse. Also, for couples who are divorced or have been legally separated for more than 12 months, taxpayers are only liable for the deficiency that is attributable to their income reporting. This is an important provision for those who have burdened with a tax bill for which they are not responsible.

This conference report also reorganizes the tax collecting agency around the idea of taxpayer service. Knowledgeable employees who are specialized in meeting the needs of specific taxpayer categories—like individuals, small businesses, and corporations—will be available to answer taxpayers' questions. And, the IRS Commissioner will have some hiring flexibility to offer special packages to qualified, successful private sector employees who will increase the professionalism and responsiveness of the agency.

Because of these and other needed improvements, I endorse the IRS Reform and Restructuring Act, and despite some misgivings I am about to enunciate, I will vote for the adoption of the conference report. However, I did not sign the report because, at the last minute, extraneous material was tacked on to this landmark legislation. Out of the blue, and without being considered in either the House or Senate bill, the ISTEA technical corrections bill was included as part of the IRS conference report. Through this maneuver, Senator ROCKEFELLER was prevented from offering his amendment on the floor of the Senate to correct an injustice done to disabled veterans with smoking-related disabilities in the original ISTEA reauthorization bill. Through this maneuver, the Senate and the American people were denied the opportunity for open debate and an up-or-down vote on an issue affecting America's veterans who put their life on the line for this nation.

Justice Louis Brandeis once said, "Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants; electric light the most efficient policeman." I could not vote to report out of committee the conference report because it runs counter to the open door, public process by which Congress should responsibly pass our laws. Sadly, all too often conference committees are the vehicle by which lawmakers fast-track controversial measures behind closed doors in order to avoid unpopular votes. There are no fingerprints. Issues which were not in the House-passed bill, not in the Senate-passed bill, too often mysteriously appear in the final conference report. Where is our accountability as the legislators of this country?

However, though I will vote for this conference report because on balance it

is good legislation which American taxpayers need and deserve, I want to make it crystal clear that this issue of appropriate compensation to veterans with smoking-related disabilities will NOT go away. When we come back into session after the July 4 break, I will work with Sen. ROCKEFELLER, and others, to correct the injustice done to our veterans in the ISTEA reauthorization bill. Specifically, I believe we need to strike the veterans' disability compensation offset which was included in the President's budget and in the ISTEA bill as more of budget-saving device rather than as a clearly considered matter of veterans' benefit policy.

On another front, I am also troubled by two provisions in this conference report which I believe, unintentionally, compromise the security of our nation. The first provision removes the lawful ability of the President, and most Cabinet members, to start or stop an audit or investigation of a taxpayer. Make no mistake: we all condemn the misuse of power to halt legitimate investigations or audits. But the lack of an exemption in the case of national security and law enforcement jeopardizes critical efforts to protect American citizens. It is my understanding that the Department of Justice has stated that the provision is unconstitutional.

I have similar concerns about the second provision, which carves out an exception to the Inspector General statute, so that the Secretary of the Treasury is prohibited from exercising his authority to stop an investigation by the Tax IG when national security or law enforcement issues are at stake. The Treasury Department and the Central Intelligence Agency are both opposed to this provision.

I worked with the other conferees to try to work out these national security problems but ultimately those efforts fell short because of time constraints.

On balance, though, I support, enthusiastically, H.R. 2676, the IRS Reform and Restructuring Act. It will significantly improve the position of American taxpayers in their dealings with the IRS. But I abhor the closed door process by which the ISTEA technical corrections bill was attached. However, this and the national security flaws are correctable, if not now on this legislation, then certainly before the Senate adjourns for the year. I pledge my efforts to achieve that goal.•

PARTIAL BIRTH ABORTION

• Mr. ABRAHAM. Mr. President, a recent, near-tragic incident has come to my attention; an incident which in my view casts significant light on the debate over partial birth abortion.

According to the Associated Press, on June 30 of this year Dr. John Biskind delivered a full-term baby girl. Unfortunately, this little girl was almost killed. She suffered cuts to her face and a skull fracture. Officials have refused to comment on her condition. She is scheduled to be adopted by a Texas couple, so it is my hope that she will experience a full recovery.

But we should not lose track of the cause of her injuries: Dr. Biskind attempted to perform a partial birth abortion. The 17 year-old mother had come to Dr. Biskind's A-Z Women's Center seeking an abortion. The clinic performed an ultrasound, determining that what they had here was a 23.6 week fetus, and determined to perform a partial birth abortion.

Dr. Biskind thought he was performing this inhuman procedure on a fetus two thirds of the way to term. That would be bad enough. But in fact Dr. Biskind's clinic made an unbelievable mistake in the ultrasound. The girl actually was approaching full term. And Dr. Biskind did not realize this fact until he already had begun aborting her.

This is astounding, Mr. President. According to Dr. Carolyn Gerster, a Phoenix physician and chairman of Arizona Right to Life, a 24-week-old fetus weighs an average of 2 pounds, whereas a 36 week-old fetus weighs about 6 and a half pounds. As Dr. Gerster commented, "I don't know how such a grave error could be made in estimating the size. There shouldn't be that kind of discrepancy in an ultrasound. It's horrendous."

Horrendous indeed, Mr. President. But this was not the first horrendous mistake made by this abortionist. Dr. Biskind was censured by the medical board in 1996 when a patient bled to death after undergoing an abortion. He also was reprimanded in 1989 for misdiagnosis or mistreatment of a patient, and in 1990 for improperly prescribing drugs. A similar complaint was dismissed in 1994.

This incident, and Dr. Biskind's deplorable record as a physician, cast an ugly light on an unfortunate procedure. Too many women in America are being subjected to partial birth abortions. Whatever one's views on the abortion issue itself, and I am strongly pro-life, there is no basis for defending partial birth abortion. The procedure is never, let me emphasize that Mr. President, never necessary for the life or health of the mother. It is in fact an unnecessarily dangerous procedure that increases the chance of physical harm to the mother, and which most reputable doctors refuse to even consider performing.

Defenders of partial birth abortion have relied on a number of untruths, including the false story that the procedure is performed only in rare occasions. We now know, Mr. President, that that just isn't so. We also know that there are abortionists like Dr. Biskind out there who let their patients bleed to death and who allow an ultrasound in their clinic to be botched so badly that they almost kill a fully formed baby girl.

It is time to shut down clinics like Dr. Biskind's. If defenders of abortion rights are really serious about defending women's health, they should join with me and those of my colleagues who have sought to ban partial birth abortion. They also should fight with me to keep women from having to undergo any kind of abortion.

Clearly, Mr. President, America is not doing enough for her expectant mothers. Too many are abandoned by their husbands, boyfriends, and families in their time of special need. Too many feel alone and powerless in the face of an unexpected pregnancy. Too many fall into the hands of the Dr. Biskind's of this world because they have not been fully informed of their options, including the availability of loving couples like the one that is adopting the girl Dr. Biskind almost aborted.

I intend to work as hard as I can, Mr. President, to bring practices like Dr. Biskind's to an end. It is long past time, in my view, for us to overturn President Clinton's veto of the ban on partial birth abortion. It also is long past time for us to make women more aware of the adoption option as we seek to make the better choice—the choice of life—easier to make.

Mr. President, I ask that the full text of the associated press story, as it appears in the Washington Times, be printed in the RECORD.

The article follows:

[From The Washington Times, Fri., July 10, 1998]

ABORTION ABORTED FOR BIRTH OF GIRL—FETUS' AGE WAS MISCALCULATED

Phoenix (AP)—A doctor performing a partial-birth abortion on what he says he thought was a 23-week fetus realized in the middle of the procedure that the pregnancy was much further along and instead delivered a full-term baby.

Police and the Arizona Board of Medical Examiners are investigating Dr. John Biskind and the June 30 birth at A–Z Women's Center, which terminates pregnancies through the 24th week.

"At this point, it doesn't appear anybody will be charged with anything," Sgt. Mike Torres said.

The 6-pound, 2-ounce girl suffered a skull fracture and cuts on her face and remained hospitalized yesterday. Officials refused to comment on her condition. A Texas couple plans to adopt the girl, authorities said.

The 17-year-old mother went to the clinic June 29 seeking to undergo a procedure in which the doctor delivers a fetus feet first up to its neck, punches a hole into its skull and sucks out its brain through a tube, killing the child.

Ultrasound testing at the clinic determined her fetus was 23.6 weeks' developed, the doctor said.

During the procedure the next day, Dr. Biskind realized the pregnancy was much further along, halted the abortion and delivered the infant, police said.

A woman who answered the phone at the abortion clinic said Dr. Biskind had no comment. "We're dealing with the police on

this," said the woman, who would not give her name.

Police and the Maricopa County Attorney's Office are investigating to determine whether a crime was committed.

Dr. Carolyn Gerster, a Phoenix physician who is chairwoman of Arizona Right to Life, said the average weight for a 24-week fetus is about 2 pounds and about 6½ pounds at 36 weeks.

"I don't know how such a grave error could be made in estimating the size," she said. "There shouldn't be that kind of discrepancy in an ultrasound. It's horrendous."

The medical board censured Dr. Biskind in 1996 after a patient bled to death following an abortion. The patient's family has a lawsuit pending against him.

He also was reprimanded in 1989 for misdiagnosis or mistreatment of a patient and for improperly prescribing drugs in 1990. A similar complaint was dismissed in 1994.●

CONGRATULATING THE SMALL BUSINESS ADMINISTRATION'S YOUNG ENTREPRENEUR OF THE YEAR

● Mr. AKAKA. Mr. President, today I rise to recognize a very special Hawaii business person. Charles Wesley Fortner is the recipient of the 1998 U.S. Small Business Administration's Young Entrepreneur of the Year Award. Mr. Fortner, 28 years of age, is a resident of Mililani, Hawaii, and the founder and president of the Honolulu-based telecommunications firm, Island Page, Inc.

In 1994, Mr. Fortner had the courage to move to Hawaii to open the business by himself. With two partners who gave him the paging rights to the Hawaiian Islands, Mr. Fortner established the business location and field tested the equipment that carries the paging signals by driving and walking all over the island.

In less than 4 years, Island Page has grown from a one-man operation to a company with a trained staff of 18 employees. Mr. Fortner's motivational ability and management style encourage his employees to operate the business with a strong customer service attitude. Those who know Mr. Fortner consider him the model of the new business mentor for the next century.

Island Page sales totaled $280,000 in 1995 and increased 370 percent in 1996 to pass the $1 million mark. Sales for 1997 were expected to increase another 50 percent. The company achieved a profit of 12 percent in 1996 and anticipated a 25 percent return in 1997.

Mr. Fortner is the man behind Island Page's popular "Captain Beep Beep" radio campaign. His creative abilities have also played a major role in establishing the technical requirements of the company. He brought with him to Hawaii a new line of equipment that allowed him to operate the business at a lower cost than his competitors. The company started in one location on Oahu, moved into the Dillingham community in the second year and opened a third location in Hawaii Kai in 1997. Mainland travelers can use the Island Page network and local subscribers can travel anywhere in the country and receive a page from Hawaii.

I am pleased that Charles Wesley Fortner has been named SBA's 1998 Young Entrepreneur of the Year. I believe that he embodies the best Hawaii has to offer.●

TRIBUTE TO HERBERT C. GREEN: AN INSPIRATIONAL LEADER AND DEVOTED HUSBAND

● Mr. CLELAND. Mr. President, I rise today to honor Herbert Green from Norcross, GA for his service in the United Auto Workers Union, and on 50 years of love and devotion to his lovely wife Autince as they celebrate their Golden Wedding Anniversary on Sunday, July 19, 1998.

Walter Ruether, the great UAW leader, once said, "the most important thing in the world is to fight for the other guy."

This quote reminds me a lot of Herb Green because, for the last several decades, he has been organizing, educating and tirelessly fighting for the rights of working men and women in Georgia and our Nation.

Many of us know how important the labor movement has been for the improvement of working conditions and fair compensation for millions of Americans. None of this would have happened if it had not been for tireless, visionary individuals who were willing to work on behalf of their coworkers, such as Herb Green. Prior to his retirement in 1987 as the International Representative for Region 8, he focused his efforts in the educational and political arenas of the UAW and the State of Georgia. His UAW involvement continues as a member of the UAW's Advisory Council.

Herb's union work began in 1938 when he became a member of the Boot & Shoe Workers Union, followed by membership in the Packing House Workers Union from 1940 to 1942. After being hired at Local 10 (then GM BOP, now GM CPC) in Doraville in January 1949, Herb established his first UAW membership. He quickly became an active participant in Local 10's affairs, where he served as an Alternate Committeeman, Trustee, member of the Building Committee, District Committeeman, and for a number of years, Chairman of the Shop Committee.

In January 1962 he was appointed as a member of the Region's CAP Education Staff by then Director, E. T. Michael, a job he held through most of his union career, representing Georgia, Florida and South Carolina. He also served as a UAW International Representative of Region 8, consisting of the states of Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, four counties in south central Pennsylvania, the District of Columbia, and Berkeley County, West Virginia.

I have had the pleasure of knowing and working with Herb for many years. On issues like employee rights and education for our children, nobody has worked longer, fought harder or been more committed than him. I am proud to call Herb a close friend and someone who I look to for advice and guidance.

A long time activist in the political and civic life of Georgia, Herb has served as a member of the board of review of the Georgia Employment Security Agency, the Urban League, board member of the United Way, vice chairman of the Gwinnett County Democratic Party, member of the Board of Elections of the Gwinnett County Democratic Party, member of Georgia State University's Advisory Committee of Labor Studies, and chairman of the trustees of Winter's Chapel Methodist Church, where he and his family have been members for many years.

Herb, who just celebrated his 77th birthday, was born on July 6, 1921. He and his wife have two children, a daughter Kathy and a son Terry, and five grandchildren—the true inspirations of their lives.

I am pleased to call attention to Herb's nearly half a century of dedicated service to the UAW and to congratulate him and Autince on 50 years of marital bliss. I know that they have many more years of happiness ahead of them. I wish them both the best and look forward to continuing our cherished friendship.●

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF ROMANIA

Mr. ROBERTS. Mr. President, I ask unanimous consent that the President pro tempore of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of Romania into the House Chamber for the joint meeting at 10 a.m. on Wednesday, July 15, 1998.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—S. 2282

Mr. ROBERTS. I ask unanimous consent that when the Senate receives from the House a message on S. 2282, the agriculture export bill, and the text of the House amendment is identical to the text I now send to the desk, then the Senate concur in the House amendment and the motion to reconsider be laid upon the table. I also ask that the Senate be authorized to receive the message this evening after the Senate adjourns.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the amendment follows:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Agriculture Export Relief Act of 1998".

SEC. 2. SANCTIONS EXEMPTIONS.

(a) EXEMPTION REGARDING FOOD AND OTHER AGRICULTURAL COMMODITY PURCHASES.—Section 102(b)(2)(D) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)(2)(D)) is amended as follows:

(1) In clause (i) by striking "or" at the end.

(2) In clause (ii) by striking the period and inserting ", or".

(3) By inserting after clause (ii) the following new clause:

"(iii) to any credit, credit guarantee, or financial assistance provided by the Department of Agriculture to support the purchase of food or other agricultural commodity.".

(b) DESCRIPTION OF AGRICULTURAL COMMODITIES.—Section 102(b)(2)(F) of such Act is amended by striking the period at the end and inserting ", which includes fertilizer.".

(c) OTHER EXEMPTIONS.—Section 102(b)(2)(D)(ii) of such Act is further amended by inserting after "to" the following: "medicines, medical equipment, and".

(d) APPLICATION OF AMENDMENTS.—The amendment made by subsection (a)(3) shall apply to any credit, credit guarantee, or other financial assistance provided by the Department of Agriculture before, on, or after the date of enactment of this Act through September 30, 1999.

(e) EFFECT ON EXISTING SANCTIONS.—Any sanction imposed under section 102(b)(1) of the Arms Export Control Act before the date of the enactment of this Act shall cease to apply upon that date with respect to the items described in the amendments made by subsections (b) and (c). In the case of the amendment made by subsection (a)(3), any sanction imposed under section 102(b)(1) of the Arms Export Control Act before the date of the enactment of this Act shall not be in effect during the period beginning on that date and ending on September 30, 1999, with respect to the activities and items described in the amendment.

TROPICAL FOREST PROTECTION ACT OF 1998

Mr. ROBERTS. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 420, S. 1758.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1758) to amend the Foreign Assistance Act of 1961 to facilitate protection of tropical forests through debt reduction with developing countries with tropical forests.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 1758

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEBT REDUCTION FOR DEVELOPING COUNTRIES WITH TROPICAL FORESTS.

The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following:

"PART V—DEBT REDUCTION FOR DEVELOPING COUNTRIES WITH TROPICAL FORESTS

"SEC. 801. SHORT TITLE.

"This part may be cited as the 'Tropical Forest Conservation Act of 1998'.

"SEC. 802. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds the following:

"(1) It is the established policy of the United States to support and seek protection of tropical forests around the world.

"(2) Tropical forests provide a wide range of benefits to humankind by—

"(A) harboring a major share of the Earth's biological and terrestrial resources, which are the basis for developing pharmaceutical products and revitalizing agricultural crops;

"(B) playing a critical role as carbon sinks in reducing greenhouse gases in the atmosphere, thus moderating potential global climate change; and

"(C) regulating hydrological cycles on which far-flung agricultural and coastal resources depend.

"(3) International negotiations and assistance programs to conserve forest resources have proliferated over the past decade, but the rapid rate of tropical deforestation continues unabated.

"(4) Developing countries with urgent needs for investment and capital for development have allocated a significant amount of their forests to logging concessions.

"(5) Poverty and economic pressures on the populations of developing countries have, over time, resulted in clearing of vast areas of forest for conversion to agriculture, which is often unsustainable in the poor soils underlying tropical forests.

"(6) Debt reduction can reduce economic pressures on developing countries and result in increased protection for tropical forests.

"(7) Finding economic benefits to local communities from sustainable uses of tropical forests is critical to the protection of tropical forests.

"(b) PURPOSES.—The purposes of this part are—

"(1) to recognize the values received by United States citizens from protection of tropical forests;

"(2) to facilitate greater protection of tropical forests (and to give priority to protecting tropical forests with the highest levels of biodiversity and under the most severe threat) by providing for the alleviation of debt in countries where tropical forests are located, thus allowing the use of additional resources to protect these critical resources and reduce economic pressures that have led to deforestation;

"(3) to ensure that resources freed from debt in such countries are targeted to protection of tropical forests and their associated values; and

"(4) to rechannel existing resources to facilitate the protection of tropical forests.

"SEC. 803. DEFINITIONS.

"As used in this part:

"(1) ADMINISTERING BODY.—The term 'administering body' means the entity provided for in section 809(c).

"(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

"(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

"(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

"(3) BENEFICIARY COUNTRY.—The term 'beneficiary country' means an eligible country with respect to which the authority of section 806(a)(1), section 807(a)(1), or paragraph (1) or (2) of section 808(a) is exercised.

"(4) BOARD.—The term 'Board' means the board referred to in section 811.

"(5) DEVELOPING COUNTRY WITH A TROPICAL FOREST.—The term 'developing country with a tropical forest' means—

"(A)(i) a country that has a per capita income of $725 or less in 1994 United States dollars (commonly referred to as 'low-income country'), as determined and adjusted on an annual basis by the International Bank for Reconstruction and Development in its World Development Report; or

"(ii) a country that has a per capita income of more than $725 but less than $8,956 in 1994 United States dollars (commonly referred to as 'middle-income country'), as determined and adjusted on an annual basis by the International Bank for Reconstruction and Development in its World Development Report; and

"(B) a country that contains at least one tropical forest that is globally outstanding in terms of its biological diversity or represents one of the larger intact blocks of tropical forests left, on a continental or global scale.

"(6) ELIGIBLE COUNTRY.—The term 'eligible country' means a country designated by the President in accordance with section 805.

"(7) TROPICAL FOREST AGREEMENT.—The term 'Tropical Forest Agreement' or 'Agreement' means a Tropical Forest Agreement provided for in section 809.

"(8) TROPICAL FOREST FACILITY.—The term 'Tropical Forest Facility' or 'Facility' means the Tropical Forest Facility established in the Department of the Treasury by section 804.

"(9) TROPICAL FOREST FUND.—The term 'Tropical Forest Fund' or 'Fund' means a Tropical Forest Fund provided for in section 810.

"SEC. 804. ESTABLISHMENT OF THE FACILITY.

"There is established in the Department of the Treasury an entity to be known as the 'Tropical Forest Facility' for the purpose of providing for the administration of debt reduction in accordance with this part.

"SEC. 805. ELIGIBILITY FOR BENEFITS.

"(a) IN GENERAL.—To be eligible for benefits from the Facility under this part, a country shall be a developing country with a tropical forest—

"(1) whose government meets the requirements applicable to Latin American or Caribbean countries under paragraphs (1) through (5) and (7) of section 703(a) of this Act; and

"(2) that has put in place major investment reforms, as evidenced by the conclusion of a bilateral investment treaty with the United States, implementation of an investment sector loan with the Inter-American Development Bank, World Bank-supported investment reforms, or other measures, as appropriate.

"(b) ELIGIBILITY DETERMINATIONS.—

"(1) IN GENERAL.—Consistent with subsection (a), the President shall determine whether a country is eligible to receive benefits under this part.

"(2) CONGRESSIONAL NOTIFICATION.—The President shall notify the appropriate congressional committees of his intention to designate a country as an eligible country at least 15 days in advance of any formal determination.

"SEC. 806. REDUCTION OF DEBT OWED TO THE UNITED STATES AS A RESULT OF CONCESSIONAL LOANS UNDER THE FOREIGN ASSISTANCE ACT OF 1961.

"(a) AUTHORITY TO REDUCE DEBT.—

"(1) AUTHORITY.—The President may reduce the amount owed to the United States (or any agency of the United States) that is outstanding as of January 1, 1998, as a result of concessional loans made to an eligible country by the United States under part I of this Act, chapter 4 of part II of this Act, or predecessor foreign economic assistance legislation.

"(2) AUTHORIZATION OF APPROPRIATIONS.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) for the reduction of any debt pursuant to this section, there are authorized to be appropriated to the President—

"(A) $25,000,000 for fiscal year 1999;

"(B) $75,000,000 for fiscal year 2000; and

"(C) $100,000,000 for fiscal year 2001.

"(3) CERTAIN PROHIBITIONS INAPPLICABLE.—

"(A) IN GENERAL.—A reduction of debt pursuant to this section shall not be considered assistance for purposes of any provision of law limiting assistance to a country.

"(B) ADDITIONAL REQUIREMENT.—The authority of this section may be exercised notwithstanding section 620(r) of this Act or section 321 of the International Development and Food Assistance Act of 1975.

"(b) IMPLEMENTATION OF DEBT REDUCTION.—

"(1) IN GENERAL.—Any debt reduction pursuant to subsection (a) shall be accomplished at the direction of the Facility by the exchange of a new obligation for obligations of the type referred to in subsection (a) outstanding as of the date specified in subsection (a)(1).

"(2) EXCHANGE OF OBLIGATIONS.—

"(A) IN GENERAL.—The Facility shall notify the agency primarily responsible for administering part I of this Act of an agreement entered into under paragraph (1) with an eligible country to exchange a new obligation for outstanding obligations.

"(B) ADDITIONAL REQUIREMENT.—At the direction of the Facility, the old obligations that are the subject of the agreement shall be canceled and a new debt obligation for the country shall be established relating to the agreement, and the agency primarily responsible for administering part I of this Act shall make an adjustment in its accounts to reflect the debt reduction.

"(c) ADDITIONAL TERMS AND CONDITIONS.—The following additional terms and conditions shall apply to the reduction of debt under subsection (a)(1) in the same manner as such terms and conditions apply to the reduction of debt under section 704(a)(1) of this Act:

"(1) The provisions relating to repayment of principal under section 705 of this Act.

"(2) The provisions relating to interest on new obligations under section 706 of this Act.

"SEC. 807. REDUCTION OF DEBT OWED TO THE UNITED STATES AS A RESULT OF CREDITS EXTENDED UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954.

"(a) AUTHORITY TO REDUCE DEBT.—

"(1) AUTHORITY.—Notwithstanding any other provision of law, the President may reduce the amount owed to the United States (or any agency of the United States) that is outstanding as of January 1, 1998, as a result of any credits extended under title I of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701 et seq.) to a country eligible for benefits from the Facility.

"(2) AUTHORIZATION OF APPROPRIATIONS.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) for the reduction of any debt pursuant to this section, there are authorized to be appropriated to the President—

"(A) $25,000,000 for fiscal year 1999;

"(B) $50,000,000 for fiscal year 2000; and

"(C) $50,000,000 for fiscal year 2001.

"(b) IMPLEMENTATION OF DEBT REDUCTION.—

"(1) IN GENERAL.—Any debt reduction pursuant to subsection (a) shall be accomplished at the direction of the Facility by the exchange of a new obligation for obligations of the type referred to in subsection (a) outstanding as of the date specified in subsection (a)(1).

"(2) EXCHANGE OF OBLIGATIONS.—

"(A) IN GENERAL.—The Facility shall notify the Commodity Credit Corporation of an agreement entered into under paragraph (1) with an eligible country to exchange a new obligation for outstanding obligations.

"(B) ADDITIONAL REQUIREMENT.—At the direction of the Facility, the old obligations that are the subject of the agreement shall be canceled and a new debt obligation shall be established for the country relating to the agreement, and the Commodity Credit Corporation shall make an adjustment in its accounts to reflect the debt reduction.

"(c) ADDITIONAL TERMS AND CONDITIONS.—The following additional terms and conditions shall apply to the reduction of debt under subsection (a)(1) in the same manner as such terms and conditions apply to the reduction of debt under section 604(a)(1) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1738c):

"(1) The provisions relating to repayment of principal under section 605 of such Act.

"(2) The provisions relating to interest on new obligations under section 606 of such Act.

"SEC. 808. AUTHORITY TO ENGAGE IN DEBT-FOR-NATURE SWAPS AND DEBT BUYBACKS.

"(a) LOANS AND CREDITS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

"(1) DEBT-FOR-NATURE SWAPS.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser described in subparagraph (B) any concessional loans described in section 806(a)(1) or any credits described in section 807(a)(1), or on receipt of payment from an eligible purchaser described in subparagraph (B), reduce or cancel such loans (or credits) or portion thereof, only for the purpose of facilitating a debt-for-nature swap to support eligible activities described in section 809(d).

"(B) ELIGIBLE PURCHASER DESCRIBED.—A loan or credit may be sold, reduced, or canceled under subparagraph (A) only to a purchaser who presents plans satisfactory to the President for using the loan or credit for the purpose of engaging in debt-for-nature swaps to support eligible activities described in section 809(d).

"(C) CONSULTATION REQUIREMENT.—Before the sale under subparagraph (A) to any eligible purchaser described in subparagraph (B), or any reduction or cancellation under such subparagraph (A), of any loan or credit made to an eligible country, the President shall consult with the country concerning the amount of loans or credits to be sold, reduced, or canceled and their uses for debt-for-nature swaps to support eligible activities described in section 809(d).

"(D) AUTHORIZATION OF APPROPRIATIONS.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) for the reduction of any debt pursuant to subparagraph (A), amounts authorized to appropriated under sections 806(a)(2) and 807(a)(2) shall be made available for such reduction of debt pursuant to subparagraph (A).

"(2) DEBT BUYBACKS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible country any concessional loans described in section 806(a)(1) or any credits described in section 807(a)(1), or on receipt of payment from an eligible country, reduce or cancel such loans (or credits) or portion thereof, only for the purpose of facilitating a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support eligible activities described in section 809(d).

"(3) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans and credits may be sold, reduced, or canceled pursuant to this section.

"(4) ADMINISTRATION.—

"(A) IN GENERAL.—The Facility shall notify the administrator of the agency primarily responsible for administering part I of this Act or the Commodity Credit Corporation, as the case may be, of eligible purchasers described in paragraph (1)(B) that the President has determined to be eligible under paragraph (1), and shall direct such agency or Corporation, as the case may be, to carry out the sale, reduction, or cancellation of a loan pursuant to such paragraph.

"(B) ADDITIONAL REQUIREMENT.—Such agency or Corporation, as the case may be, shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

"(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

"SEC. 809. TROPICAL FOREST AGREEMENT.

"(a) AUTHORITY.—

"(1) IN GENERAL.—The Secretary of State is authorized, in consultation with other appropriate officials of the Federal Government, to enter into a Tropical Forest Agreement with any eligible country concerning the operation and use of the Fund for that country.

"(2) CONSULTATION.—In the negotiation of such an Agreement, the Secretary shall consult with the Board in accordance with section 811.

"(b) CONTENTS OF AGREEMENT.—The requirements contained in section 708(b) of this Act (relating to contents of an agreement) shall apply to [a Agreement] *an Agreement* in the same manner as such requirements apply to an Americas Framework Agreement.

"(c) ADMINISTERING BODY.—

"(1) IN GENERAL.—Amounts disbursed from the Fund in each beneficiary country shall be administered by a body constituted under the laws of that country.

"(2) COMPOSITION.—

"(A) IN GENERAL.—The administering body shall consist of—

"(i) one or more individuals appointed by the United States Government;

"(ii) one or more individuals appointed by the government of the beneficiary country; and

"(iii) individuals who represent a broad range of—

"(I) environmental nongovernmental organizations of, or active in, the beneficiary country;

"(II) local community development nongovernmental organizations of the beneficiary country; and

[''(III) scientific or academic organizations or institutions of the beneficiary country.]

''(III) scientific, academic, or agroforestry organizations of the beneficiary country.

"(B) ADDITIONAL REQUIREMENT.—A majority of the members of the administering body shall be individuals described in subparagraph (A)(iii).

"(3) RESPONSIBILITIES.—The requirements contained in section 708(c)(3) of this Act (relating to responsibilities of the administering body) shall apply to an administering body described in paragraph (1) in the same manner as such requirements apply to an administering body described in section 708(c)(1) of this Act.

"(d) ELIGIBLE ACTIVITIES.—Amounts deposited in a Fund shall be used to provide grants to preserve, maintain, and restore the tropical forests in the beneficiary country, including one or more of the following activities:

"(1) Establishment, restoration, protection, and maintenance of parks, protected areas, and reserves.

"(2) Development and implementation of scientifically sound systems of natural resource management, including land and ecosystem management practices.

"(3) Training programs to strengthen conservation institutions and increase scientific, technical, and managerial capacities of individuals and organizations involved in conservation efforts.

"(4) Restoration, protection, or sustainable use of diverse animal and plant species.

''(5) Research and identification of medicinal uses of tropical forest plant life to treat human diseases and illnesses and health related concerns.

"[(5)] *(6)* Mitigation of greenhouse gases in the atmosphere.

"[(6)] *(7)* Development and support of the livelihoods of individuals living in or near a tropical forest, including the cultures of such individuals, in a manner consistent with protecting such tropical forest.

"(e) GRANT RECIPIENTS.—

"(1) IN GENERAL.—Grants made from a Fund shall be made to—

"(A) nongovernmental environmental, conservation, and indigenous peoples organizations of, or active in, the beneficiary country;

"(B) other appropriate local or regional entities of, or active in, the beneficiary country; [and] *or*

"(C) in exceptional circumstances, the government of the beneficiary country.

"(2) PRIORITY.—In providing grants under paragraph (1), priority shall be given to projects that are run by nongovernmental organizations and other private entities and that involve local communities in their planning and execution.

"(f) REVIEW OF LARGER GRANTS.—Any grant of more than $100,000 from a Fund shall be subject to veto by the Government of the United States or the government of the beneficiary country.

"(g) ELIGIBILITY CRITERIA.—In the event that a country ceases to meet the eligibility requirements set forth in section 805(a), as determined by the President pursuant to section 805(b), then grants from the Fund for that country may only be made to nongovernmental organizations until such time as the President determines that such country meets the eligibility requirements set forth in section 805(a).

"SEC. 810. TROPICAL FOREST FUND.

"(a) ESTABLISHMENT.—Each beneficiary country that enters into a Tropical Forest Agreement under section 809 shall be required to establish a Tropical Forest Fund to receive payments of interest on new obligations undertaken by the beneficiary country under this part.

"(b) REQUIREMENTS RELATING TO OPERATION OF FUND.—The following terms and conditions shall apply to the Fund in the same manner as such terms as conditions apply to an Enterprise for the Americas Fund under section 707 of this Act:

"(1) The provision relating to deposits under subsection (b) of such section.

"(2) The provision relating to investments under subsection (c) of such section.

"(3) The provision relating to disbursements under subsection (d) of such section.

"SEC. 811. BOARD.

"(a) ENTERPRISE FOR THE AMERICAS BOARD.—The Enterprise for the Americas Board established under section 610(a) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1738i(a)) shall, in addition to carrying out the responsibilities of the Board under section 610(c) of such Act, carry out the duties described in subsection (c) of this section for the purposes of this part.

"(b) ADDITIONAL MEMBERSHIP.—

"(1) IN GENERAL.—The Enterprise for the Americas Board shall be composed of an additional four members appointed by the President as follows:

"(A) Two representatives from the United States Government, including a representative of the International Forestry Division of the United States Forest Service.

"(B) Two representatives from private nongovernmental environmental, [scientific, and] *scientific, agricultural, or* academic organizations with experience and expertise in preservation, maintenance, *sustainable uses,* and restoration of tropical forests.

"(2) CHAIRPERSON.—Notwithstanding section 610(b)(2) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1738i(b)(2)), the Enterprise for the Americas Board shall be headed by a chairperson who shall be appointed by the President from among the representatives appointed under section 610(b)(1)(A) of such Act or paragraph (1)(A) of this subsection.

"(c) DUTIES.—The duties described in this subsection are as follows:

"(1) Advise the Secretary of State on the negotiations of Tropical Forest Agreements.

"(2) Ensure, in consultation with—

"(A) the government of the beneficiary country,

"(B) nongovernmental organizations of the beneficiary country,

"(C) nongovernmental organizations of the region (if appropriate),

"(D) environmental, scientific, and academic leaders of the beneficiary country, and

"(E) environmental, scientific, and academic leaders of the region (as appropriate), that a suitable administering body is identified for each Fund.

"(3) Review the programs, operations, and fiscal audits of each administering body.

"SEC. 812. CONSULTATIONS WITH THE CONGRESS.

"The President shall consult with the appropriate congressional committees on a periodic basis to review the operation of the Facility under this part and the eligibility of countries for benefits from the Facility under this part.

"SEC. 813. ANNUAL REPORTS TO THE CONGRESS.

"(a) IN GENERAL.—Not later than December 31 of each [fiscal] year, the President shall prepare and transmit to the Congress an annual report concerning the operation of the Facility for the prior fiscal year. Such report shall include—

"(1) a description of the activities undertaken by the Facility during the previous fiscal year;

"(2) a description of any Agreement entered into under this part;

"(3) a report on any Funds that have been established under this part and on the operations of such Funds; and

"(4) a description of any grants that have been provided by administering bodies pursuant to Agreements under this part.

"(b) SUPPLEMENTAL VIEWS IN ANNUAL REPORT.—Not later than December 15 of each [fiscal] year, each member of the Board shall be entitled to receive a copy of the report required under subsection (a). Each member of the Board may prepare and submit supplemental views to the President on the implementation of this part by December 31 for inclusion in the annual report when it is transmitted to Congress pursuant to this section.''.

AMENDMENT NO. 3148

(Purpose: To make technical and clarifying amendments)

Mr. ROBERTS. Mr. President, there is an amendment at the desk making technical changes. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. ROBERTS], for Mr. HELMS, for himself, Mr. BIDEN, and Mr. LUGAR, proposes an amendment numbered 3148.

Mr. ROBERTS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 6, line 11, strike "continental" and insert "regional, continental,".

On page 11, line 7, strike "For the cost" and insert the following:

"(A) IN GENERAL.—For the cost".

On page 11, line 11, strike "(A)" and insert "(i)".

On page 11, line 12, strike "(B)" and insert "(ii)".

On page 11, line 13, strike "(C)" and insert "(iii)".

On page 11, between lines 13 and 14, insert the following:

"(B) LIMITATION.—The authority provided by this section shall be available only to the extent that appropriations for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of the modification of any debt pursuant to this section are made in advance.

On page 15, line 2, insert "the lessor of" after "than".

On page 15, between lines 6 and 7, insert the following:

"(3) LIMITATION.—The authority provided by paragraphs (1) and (2) shall be available only to the extent that appropriations for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of the

modification of any debt pursuant to such paragraphs are made in advance.

On page 15, line 7, strike "(3)" and insert "(4)".

On page 15, line 12, strike "(4)" and insert "(5)".

On page 18, line 2, strike "agroforestry" and insert "forestry".

On page 18, line 16, strike "to provide grants to preserve" and insert "only to provide grants to conserve,".

On page 18, line 18, strike "including" and insert "through".

On page 19, lines 1 and 2, strike "strengthen conservation institutions and increase" and insert "increase the".

On page 19, strike lines 10 and 11.

On page 19, line 12, strike "(7)" and insert "(6)".

On page 19, line 14, strike ", including the cultures of such individuals,".

On page 19, line 21, insert "forestry," after "conservation,".

On page 22, line 7, strike "agricultural" and insert "forestry".

On page 23, line 5, insert "forestry," after "scientific,".

On page 23, line 7, insert "forestry," after "scientific,".

Mr. LUGAR. Mr. President, there has been a remarkable degree of bipartisan cooperation in moving this bill forward. I would like to thank Senator BIDEN, Senator CHAFEE, and Senator LEAHY for their help in drafting the Senate bill, which is a companion to H.R. 2870, introduced by Representatives PORTMAN, KASICH and HAMILTON. I would also like to thank my twenty nine additional Senate cosponsors from both sides of the aisle for their important support. I would especially like to thank Senator HELMS for cosponsoring the bill and moving it expeditiously through the Committee on Foreign Relations, which approved it by voice vote on May 19, 1998.

Senator BIDEN and I have worked together on international environmental issues for many years. The original debt-for-nature bill was the Biden-Lugar Global Environmental Protection Assistance Act of 1989. This was followed by President Bush's Enterprise for the Americas Initiative (EAI), which also linked debt reduction and environmental protection in the developing nations of Latin America and the Caribbean.

S. 1758, the Tropical Forest Conservation Act, allows lower and middle income developing countries to reduce certain debts owed to the U.S. Government under the Foreign Assistance Act and the Agricultural Trade and Development Assistance Act. In return, they must place local currencies in a tropical forest fund to protect outstanding tropical forests in their own country.

The tropical forest fund in each country would be administered by a local board. These boards would be comprised of representatives of its government, our government and environmental, community development, forestry, scientific and academic organizations with expertise in the protection of tropical forests. A majority of the local board would have to represent these nongovernmental organizations. Oversight would be accomplished through expanding the Enterprise for the Americas Board to fifteen members, with eight members representing federal agencies and seven representing nongovernmental organizations with expertise in the protection of tropical forests. All grants of more than $100,000 would have to be approved by this Board.

The United States has a strong interest in helping to protect tropical forests in developing countries. Our world food security depends on tropical forests, which provide genetic materials to enhance world food production and which regulate the hydrological cycles on which world agriculture depends. The fight against cancer depends upon plants in tropical forests. Tropical forests also store carbon, mitigating the build up of greenhouse gas concentrations in the atmosphere.

I urge the Senate to support S. 1758 along with the technical and clarifying amendments which Senator HELMS, Senator BIDEN and I have offered to the Committee reported bill.

Mr. BIDEN. Mr. President, I join with my friend, the distinguished senior Senator from Indiana, to urge my colleagues to support the Tropical Forest Protection Act of 1998.

Mr. President, this bill marks a real victory for sensible, bipartisan action on an issue of global importance. Just looking at the list of our cosponsors—thirty-one of our colleagues, evenly divided between our two parties—shows me that good policy is good politics.

Right now, as we speak today, fires are burning in tropical forests around the world, the result of a combustible mix of unusually dry weather with unsustainable human activity. Slash-and-burn agriculture, logging, and the road cuts to support those activities, have exposed one of our planet's most important resources to a deadly threat.

Rainforests have a profound effect on our planet's weather, through their ability to absorb the most important greenhouse gas, carbon dioxide. They influence rainfall, and are therefore the sources of many of our most important rivers, that in turn support the farms and fisheries that feed us.

They are home to rich biological diversity—both flora and fauna—that we are just now realizing hold the secret to disease-resistant crops and new medicines.

But as the nations that contain our most significant rainforests enter the world economy, they are under increasing pressure to turn these irreplaceable assets into cash, for both their own short-term domestic needs and to service debts owed to the industrial nations, including the United States.

That's why this bill is so important. It allows the reduction of the debt those nations owe us, if they use the savings to protect those rainforests. This will help to break the tie between debt and the destruction of rainforests, to the benefit of everyone. It won't put out those fires, but it will remove some of the financial arrangements that fuel them.

I am particularly pleased to join again with my friend, Senator LUGAR, to expand on earlier Lugar-Biden legislation that has been on the books since 1989, and that is part of the 1990 Enterprise for the Americas Initiative.

And I am honored to be joined in this effort by the distinguished Chairman of the Foreign Relations Committee, the distinguished Chairman of the Environment and Public Works Committee, and so many other of our colleagues on both sides of the aisle.

Thank you, Mr. President.

Mr. CHAFEE. Mr. President I am pleased to be here today with my distinguished colleagues to offer my support for the Tropical Forest Conservation Act of 1998. This bipartisan legislation addresses one of the most important global environmental issues today—the protection and preservation of tropical rain forests.

Since 1950 the world has lost as much as half of its tropical forests, and the destruction is continuing unabated. The most comprehensive survey of global deforestation estimated that, last year alone, we lost more than 30 million acres of tropical rain forest—an area the size of the State of Washington. This is a devastating loss because of the potential biological impacts deforestation can have both regionally and globally.

Tropical forests contain the world's richest stores of biological diversity, and their health is essential for life on Earth. Scientists estimate that more than 50 percent of the Earth's terrestrial biological diversity is contained within these forests, which account for less than 2 percent of the planet's land surface. Almost 40 percent of all terrestrial plants and at least 25 percent of terrestrial vertebrate species are endemic to these areas. Many of these species are found only in a small area of the forests. And as the forests are destroyed, Mr. President, the species are permanently lost through extinction.

Tropical forests also function as carbon "sinks," storing greenhouse gases that could otherwise contribute to global climate change. While there are still many scientific uncertainties related to climate change, it is undeniable that atmospheric carbon dioxide levels are rising rapidly. A significant number of scientists believe that humans have already influenced our global climate. In order to lessen the risks associated with this change, such as sea level rise, extreme weather conditions, and higher average temperatures, it is important that the United States join with other nations to take

preventive action. Protecting our tropical rain forests, and thus preserving their vital function of reducing greenhouse gases in the atmosphere, is one such action.

Many of the world's tropical forests are located in developing countries that, since the international debt crisis of the 1970s, have been unable to repay loans to foreign lenders. These countries are in need of hard currency, and to come up with cash, they have resorted to exploiting their natural resources with little regard for environmental planning. Vast areas of tropical forests are destroyed each year for logging, agriculture and livestock operations. This trend will continue as debt continues to mount.

Mr. President, the Tropical Forest Conservation Act will help turn the tide against this deforestation. This legislation builds upon President Bush's Enterprise for the Americas Initiative, or EAI. EAI created a system by which Latin American and Caribbean governments could restructure some of their official debt to the United States, while channeling local currency into funds to support environmental and child development programs.

Using so-called "debt-for-nature swaps," EAI restructured bilateral debt to provide $154 million to environmental trust funds in Latin America. Under these swaps, a nation's debt is modified, rescheduled, or written off, in return for the borrower nation's commitment of its own currency towards local conservation. The legislation before us today would extend the debt-for-nature mechanism of the EAI to the protection of significant tropical forests in lower and middle income countries throughout the world, not just those in Latin America and the Caribbean.

The Tropical Forest Conservation Act will authorize $325 million over three years to be used for debt-for-nature swaps with developing countries that have forests with the greatest biodiversity and the highest risk of threat. S. 1758 assists countries with tropical forests that are globally outstanding in terms of their biodiversity, and applies to any lesser developed country with tropical forests and qualified U.S. debt. The authorized amount would be used to compensate the Treasury Department for any revenues lost due to the restructuring of outstanding debt.

The legislation gives the President authority to reduce debt owed to the United States as a result of any credit extended through specific loan programs. In exchange, the developing countries would establish funds in their local currency to preserve and restore tropical forests. To ensure accountability, funds shall be administered and overseen by U.S. Government officials, environmental nongovernmental organizations active in the beneficiary country, and scientific or academic organizations.

To qualify for assistance, countries must meet the criteria established by Congress under EAI, including that the government must be democratically elected, has not provided support for acts of international terrorism, is not failing to cooperate on international narcotics control matters, and does not participate in a consistent pattern of gross violations of internationally recognized human rights.

Mr. President, I believe this is an important bill that will go a long way in helping protect some of the world's most ecologically sensitive and vital areas. The Tropical Forest Conservation Act promotes debt reduction, investment reforms, community based conservation and sustainable use of the environment. In addition, it stretches limited Federal dollars making an effective use of international environmental assistance. I urge my colleagues here in the Senate to support S. 1758.

Mr. ROBERTS. Mr. President, I ask unanimous consent the amendment be considered and agreed to, the committee amendments be agreed to, and the bill be read a third time.

The amendment (No. 3148) was agreed to.

The Committee amendments were agreed to.

The bill (S. 1758) was read the third time.

Mr. ROBERTS. I further ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 2870, that the Senate proceed to its immediate consideration, and all after the enacting clause be stricken and the text of S. 1758, as amended, be inserted in lieu thereof. I further ask unanimous consent that the bill be read a third time, passed, and the motion to reconsider be laid upon the table, and, finally, S. 1758 be placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2870), as amended, was considered read the third time and passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2870) entitled "An Act to amend the Foreign Assistance Act of 1961 to facilitate protection of tropical forests through debt reduction with developing countries with tropical forests.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. DEBT REDUCTION FOR DEVELOPING COUNTRIES WITH TROPICAL FORESTS.

The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following:

"PART V—DEBT REDUCTION FOR DEVELOPING COUNTRIES WITH TROPICAL FORESTS

"SEC. 801. SHORT TITLE.

"This part may be cited as the 'Tropical Forest Conservation Act of 1998'.

"SEC. 802. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds the following:

"(1) It is the established policy of the United States to support and seek protection of tropical forests around the world.

"(2) Tropical forests provide a wide range of benefits to humankind by—

"(A) harboring a major share of the Earth's biological and terrestrial resources, which are the basis for developing pharmaceutical products and revitalizing agricultural crops;

"(B) playing a critical role as carbon sinks in reducing greenhouse gases in the atmosphere, thus moderating potential global climate change; and

"(C) regulating hydrological cycles on which far-flung agricultural and coastal resources depend.

"(3) International negotiations and assistance programs to conserve forest resources have proliferated over the past decade, but the rapid rate of tropical deforestation continues unabated.

"(4) Developing countries with urgent needs for investment and capital for development have allocated a significant amount of their forests to logging concessions.

"(5) Poverty and economic pressures on the populations of developing countries have, over time, resulted in clearing of vast areas of forest for conversion to agriculture, which is often unsustainable in the poor soils underlying tropical forests.

"(6) Debt reduction can reduce economic pressures on developing countries and result in increased protection for tropical forests.

"(7) Finding economic benefits to local communities from sustainable uses of tropical forests is critical to the protection of tropical forests.

"(b) PURPOSES.—The purposes of this part are—

"(1) to recognize the values received by United States citizens from protection of tropical forests;

"(2) to facilitate greater protection of tropical forests (and to give priority to protecting tropical forests with the highest levels of biodiversity and under the most severe threat) by providing for the alleviation of debt in countries where tropical forests are located, thus allowing the use of additional resources to protect these critical resources and reduce economic pressures that have led to deforestation;

"(3) to ensure that resources freed from debt in such countries are targeted to protection of tropical forests and their associated values; and

"(4) to rechannel existing resources to facilitate the protection of tropical forests.

"SEC. 803. DEFINITIONS.

"As used in this part:

"(1) ADMINISTERING BODY.—The term 'administering body' means the entity provided for in section 809(c).

"(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

"(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

"(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

"(3) BENEFICIARY COUNTRY.—The term 'beneficiary country' means an eligible country with respect to which the authority of section 806(a)(1), section 807(a)(1), or paragraph (1) or (2) of section 808(a) is exercised.

"(4) BOARD.—The term 'Board' means the board referred to in section 811.

"(5) DEVELOPING COUNTRY WITH A TROPICAL FOREST.—The term 'developing country with a tropical forest' means—

"(A)(i) a country that has a per capita income of $725 or less in 1994 United States dollars (commonly referred to as 'low-income country'),

as determined and adjusted on an annual basis by the International Bank for Reconstruction and Development in its World Development Report; or

''(ii) a country that has a per capita income of more than $725 but less than $8,956 in 1994 United States dollars (commonly referred to as 'middle-income country'), as determined and adjusted on an annual basis by the International Bank for Reconstruction and Development in its World Development Report; and

''(B) a country that contains at least one tropical forest that is globally outstanding in terms of its biological diversity or represents one of the larger intact blocks of tropical forests left, on a regional, continental, or global scale.

''(6) ELIGIBLE COUNTRY.—The term 'eligible country' means a country designated by the President in accordance with section 805.

''(7) TROPICAL FOREST AGREEMENT.—The term 'Tropical Forest Agreement' or 'Agreement' means a Tropical Forest Agreement provided for in section 809.

''(8) TROPICAL FOREST FACILITY.—The term 'Tropical Forest Facility' or 'Facility' means the Tropical Forest Facility established in the Department of the Treasury by section 804.

''(9) TROPICAL FOREST FUND.—The term 'Tropical Forest Fund' or 'Fund' means a Tropical Forest Fund provided for in section 810.

''SEC. 804. ESTABLISHMENT OF THE FACILITY.

''There is established in the Department of the Treasury an entity to be known as the 'Tropical Forest Facility' for the purpose of providing for the administration of debt reduction in accordance with this part.

''SEC. 805. ELIGIBILITY FOR BENEFITS.

''(a) IN GENERAL.—To be eligible for benefits from the Facility under this part, a country shall be a developing country with a tropical forest—

''(1) whose government meets the requirements applicable to Latin American or Caribbean countries under paragraphs (1) through (5) and (7) of section 703(a) of this Act; and

''(2) that has put in place major investment reforms, as evidenced by the conclusion of a bilateral investment treaty with the United States, implementation of an investment sector loan with the Inter-American Development Bank, World Bank-supported investment reforms, or other measures, as appropriate.

''(b) ELIGIBILITY DETERMINATIONS.—

''(1) IN GENERAL.—Consistent with subsection (a), the President shall determine whether a country is eligible to receive benefits under this part.

''(2) CONGRESSIONAL NOTIFICATION.—The President shall notify the appropriate congressional committees of his intention to designate a country as an eligible country at least 15 days in advance of any formal determination.

''SEC. 806. REDUCTION OF DEBT OWED TO THE UNITED STATES AS A RESULT OF CONCESSIONAL LOANS UNDER THE FOREIGN ASSISTANCE ACT OF 1961.

''(a) AUTHORITY TO REDUCE DEBT.—

''(1) AUTHORITY.—The President may reduce the amount owed to the United States (or any agency of the United States) that is outstanding as of January 1, 1998, as a result of concessional loans made to an eligible country by the United States under part I of this Act, chapter 4 of part II of this Act, or predecessor foreign economic assistance legislation.

''(2) AUTHORIZATION OF APPROPRIATIONS.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) for the reduction of any debt pursuant to this section, there are authorized to be appropriated to the President—

''(A) $25,000,000 for fiscal year 1999;

''(B) $75,000,000 for fiscal year 2000; and

''(C) $100,000,000 for fiscal year 2001.

''(3) CERTAIN PROHIBITIONS INAPPLICABLE.—

''(A) IN GENERAL.—A reduction of debt pursuant to this section shall not be considered assistance for purposes of any provision of law limiting assistance to a country.

''(B) ADDITIONAL REQUIREMENT.—The authority of this section may be exercised notwithstanding section 620(r) of this Act or section 321 of the International Development and Food Assistance Act of 1975.

''(b) IMPLEMENTATION OF DEBT REDUCTION.—

''(1) IN GENERAL.—Any debt reduction pursuant to subsection (a) shall be accomplished at the direction of the Facility by the exchange of a new obligation for obligations of the type referred to in subsection (a) outstanding as of the date specified in subsection (a)(1).

''(2) EXCHANGE OF OBLIGATIONS.—

''(A) IN GENERAL.—The Facility shall notify the agency primarily responsible for administering part I of this Act of an agreement entered into under paragraph (1) with an eligible country to exchange a new obligation for outstanding obligations.

''(B) ADDITIONAL REQUIREMENT.—At the direction of the Facility, the old obligations that are the subject of the agreement shall be canceled and a new debt obligation for the country shall be established relating to the agreement, and the agency primarily responsible for administering part I of this Act shall make an adjustment in its accounts to reflect the debt reduction.

''(c) ADDITIONAL TERMS AND CONDITIONS.—The following additional terms and conditions shall apply to the reduction of debt under subsection (a)(1) in the same manner as such terms and conditions apply to the reduction of debt under section 704(a)(1) of this Act:

''(1) The provisions relating to repayment of principal under section 705 of this Act.

''(2) The provisions relating to interest on new obligations under section 706 of this Act.

''SEC. 807. REDUCTION OF DEBT OWED TO THE UNITED STATES AS A RESULT OF CREDITS EXTENDED UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954.

''(a) AUTHORITY TO REDUCE DEBT.—

''(1) AUTHORITY.—Notwithstanding any other provision of law, the President may reduce the amount owed to the United States (or any agency of the United States) that is outstanding as of January 1, 1998, as a result of any credits extended under title I of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701 et seq.) to a country eligible for benefits from the Facility.

''(2) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) for the reduction of any debt pursuant to this section, there are authorized to be appropriated to the President—

''(i) $25,000,000 for fiscal year 1999;

''(ii) $50,000,000 for fiscal year 2000; and

''(iii) $50,000,000 for fiscal year 2001.

''(B) LIMITATION.—The authority provided by this section shall be available only to the extent that appropriations for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of the modification of any debt pursuant to this section are made in advance.

''(b) IMPLEMENTATION OF DEBT REDUCTION.—

''(1) IN GENERAL.—Any debt reduction pursuant to subsection (a) shall be accomplished at the direction of the Facility by the exchange of a new obligation for obligations of the type referred to in subsection (a) outstanding as of the date specified in subsection (a)(1).

''(2) EXCHANGE OF OBLIGATIONS.—

''(A) IN GENERAL.—The Facility shall notify the Commodity Credit Corporation of an agreement entered into under paragraph (1) with an eligible country to exchange a new obligation for outstanding obligations.

''(B) ADDITIONAL REQUIREMENT.—At the direction of the Facility, the old obligations that are the subject of the agreement shall be canceled and a new debt obligation shall be established for the country relating to the agreement, and the Commodity Credit Corporation shall make an adjustment in its accounts to reflect the debt reduction.

''(c) ADDITIONAL TERMS AND CONDITIONS.—The following additional terms and conditions shall apply to the reduction of debt under subsection (a)(1) in the same manner as such terms and conditions apply to the reduction of debt under section 604(a)(1) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1738c):

''(1) The provisions relating to repayment of principal under section 605 of such Act.

''(2) The provisions relating to interest on new obligations under section 606 of such Act.

''SEC. 808. AUTHORITY TO ENGAGE IN DEBT-FOR-NATURE SWAPS AND DEBT BUYBACKS.

''(a) LOANS AND CREDITS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

''(1) DEBT-FOR-NATURE SWAPS.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser described in subparagraph (B) any concessional loans described in section 806(a)(1) or any credits described in section 807(a)(1), or on receipt of payment from an eligible purchaser described in subparagraph (B), reduce or cancel such loans (or credits) or portion thereof, only for the purpose of facilitating a debt-for-nature swap to support eligible activities described in section 809(d).

''(B) ELIGIBLE PURCHASER DESCRIBED.—A loan or credit may be sold, reduced, or canceled under subparagraph (A) only to a purchaser who presents plans satisfactory to the President for using the loan or credit for the purpose of engaging in debt-for-nature swaps to support eligible activities described in section 809(d).

''(C) CONSULTATION REQUIREMENT.—Before the sale under subparagraph (A) to any eligible purchaser described in subparagraph (B), or any reduction or cancellation under such subparagraph (A), of any loan or credit made to an eligible country, the President shall consult with the country concerning the amount of loans or credits to be sold, reduced, or canceled and their uses for debt-for-nature swaps to support eligible activities described in section 809(d).

''(D) AUTHORIZATION OF APPROPRIATIONS.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) for the reduction of any debt pursuant to subparagraph (A), amounts authorized to appropriated under sections 806(a)(2) and 807(a)(2) shall be made available for such reduction of debt pursuant to subparagraph (A).

''(2) DEBT BUYBACKS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible country any concessional loans described in section 806(a)(1) or any credits described in section 807(a)(1), or on receipt of payment from an eligible country, reduce or cancel such loans (or credits) or portion thereof, only for the purpose of facilitating a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than the lessor of 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support eligible activities described in section 809(d).

''(3) LIMITATION.—The authority provided by paragraphs (1) and (2) shall be available only to

the extent that appropriations for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of the modification of any debt pursuant to such paragraphs are made in advance.

''(4) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans and credits may be sold, reduced, or canceled pursuant to this section.

''(5) ADMINISTRATION.—

''(A) IN GENERAL.—The Facility shall notify the administrator of the agency primarily responsible for administering part I of this Act or the Commodity Credit Corporation, as the case may be, of eligible purchasers described in paragraph (1)(B) that the President has determined to be eligible under paragraph (1), and shall direct such agency or Corporation, as the case may be, to carry out the sale, reduction, or cancellation of a loan pursuant to such paragraph.

''(B) ADDITIONAL REQUIREMENT.—Such agency or Corporation, as the case may be, shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

''(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

''SEC. 809. TROPICAL FOREST AGREEMENT.

''(a) AUTHORITY.—

''(1) IN GENERAL.—The Secretary of State is authorized, in consultation with other appropriate officials of the Federal Government, to enter into a Tropical Forest Agreement with any eligible country concerning the operation and use of the Fund for that country.

''(2) CONSULTATION.—In the negotiation of such an Agreement, the Secretary shall consult with the Board in accordance with section 811.

''(b) CONTENTS OF AGREEMENT.—The requirements contained in section 708(b) of this Act (relating to contents of an agreement) shall apply to an Agreement in the same manner as such requirements apply to an Americas Framework Agreement.

''(c) ADMINISTERING BODY.—

''(1) IN GENERAL.—Amounts disbursed from the Fund in each beneficiary country shall be administered by a body constituted under the laws of that country.

''(2) COMPOSITION.—

''(A) IN GENERAL.—The administering body shall consist of—

''(i) one or more individuals appointed by the United States Government;

''(ii) one or more individuals appointed by the government of the beneficiary country; and

''(iii) individuals who represent a broad range of—

''(I) environmental nongovernmental organizations of, or active in, the beneficiary country;

''(II) local community development nongovernmental organizations of the beneficiary country; and

''(III) scientific, academic, or forestry organizations of the beneficiary country.

''(B) ADDITIONAL REQUIREMENT.—A majority of the members of the administering body shall be individuals described in subparagraph (A)(iii).

''(3) RESPONSIBILITIES.—The requirements contained in section 708(c)(3) of this Act (relating to responsibilities of the administering body) shall apply to an administering body described in paragraph (1) in the same manner as such requirements apply to an administering body described in section 708(c)(1) of this Act.

''(d) ELIGIBLE ACTIVITIES.—Amounts deposited in a Fund shall be used only to provide grants to conserve, maintain, and restore the tropical forests in the beneficiary country, through one or more of the following activities:

''(1) Establishment, restoration, protection, and maintenance of parks, protected areas, and reserves.

''(2) Development and implementation of scientifically sound systems of natural resource management, including land and ecosystem management practices.

''(3) Training programs to increase the scientific, technical, and managerial capacities of individuals and organizations involved in conservation efforts.

''(4) Restoration, protection, or sustainable use of diverse animal and plant species.

''(5) Research and identification of medicinal uses of tropical forest plant life to treat human diseases and illnesses and health related concerns.

''(6) Development and support of the livelihoods of individuals living in or near a tropical forest in a manner consistent with protecting such tropical forest.

''(e) GRANT RECIPIENTS.—

''(1) IN GENERAL.—Grants made from a Fund shall be made to—

''(A) nongovernmental environmental, forestry, conservation, and indigenous peoples organizations of, or active in, the beneficiary country;

''(B) other appropriate local or regional entities of, or active in, the beneficiary country; or

''(C) in exceptional circumstances, the government of the beneficiary country.

''(2) PRIORITY.—In providing grants under paragraph (1), priority shall be given to projects that are run by nongovernmental organizations and other private entities and that involve local communities in their planning and execution.

''(f) REVIEW OF LARGER GRANTS.—Any grant of more than $100,000 from a Fund shall be subject to veto by the Government of the United States or the government of the beneficiary country.

''(g) ELIGIBILITY CRITERIA.—In the event that a country ceases to meet the eligibility requirements set forth in section 805(a), as determined by the President pursuant to section 805(b), then grants from the Fund for that country may only be made to nongovernmental organizations until such time as the President determines that such country meets the eligibility requirements set forth in section 805(a).

''SEC. 810. TROPICAL FOREST FUND.

''(a) ESTABLISHMENT.—Each beneficiary country that enters into a Tropical Forest Agreement under section 809 shall be required to establish a Tropical Forest Fund to receive payments of interest on new obligations undertaken by the beneficiary country under this part.

''(b) REQUIREMENTS RELATING TO OPERATION OF FUND.—The following terms and conditions shall apply to the Fund in the same manner as such terms as conditions apply to an Enterprise for the Americas Fund under section 707 of this Act:

''(1) The provision relating to deposits under subsection (b) of such section.

''(2) The provision relating to investments under subsection (c) of such section.

''(3) The provision relating to disbursements under subsection (d) of such section.

''SEC. 811. BOARD.

''(a) ENTERPRISE FOR THE AMERICAS BOARD.—The Enterprise for the Americas Board established under section 610(a) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1738i(a)) shall, in addition to carrying out the responsibilities of the Board under section 610(c) of such Act, carry out the duties described in subsection (c) of this section for the purposes of this part.

''(b) ADDITIONAL MEMBERSHIP.—

''(1) IN GENERAL.—The Enterprise for the Americas Board shall be composed of an additional four members appointed by the President as follows:

''(A) Two representatives from the United States Government, including a representative of the International Forestry Division of the United States Forest Service.

''(B) Two representatives from private nongovernmental environmental, scientific, forestry, or academic organizations with experience and expertise in preservation, maintenance, sustainable uses, and restoration of tropical forests.

''(2) CHAIRPERSON.—Notwithstanding section 610(b)(2) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1738i(b)(2)), the Enterprise for the Americas Board shall be headed by a chairperson who shall be appointed by the President from among the representatives appointed under section 610(b)(1)(A) of such Act or paragraph (1)(A) of this subsection.

''(c) DUTIES.—The duties described in this subsection are as follows:

''(1) Advise the Secretary of State on the negotiations of Tropical Forest Agreements.

''(2) Ensure, in consultation with—

''(A) the government of the beneficiary country,

''(B) nongovernmental organizations of the beneficiary country,

''(C) nongovernmental organizations of the region (if appropriate),

''(D) environmental, scientific, forestry, and academic leaders of the beneficiary country, and

''(E) environmental, scientific, forestry, and academic leaders of the region (as appropriate),

that a suitable administering body is identified for each Fund.

''(3) Review the programs, operations, and fiscal audits of each administering body.

''SEC. 812. CONSULTATIONS WITH THE CONGRESS.

''The President shall consult with the appropriate congressional committees on a periodic basis to review the operation of the Facility under this part and the eligibility of countries for benefits from the Facility under this part.

''SEC. 813. ANNUAL REPORTS TO THE CONGRESS.

''(a) IN GENERAL.—Not later than December 31 of each year, the President shall prepare and transmit to the Congress an annual report concerning the operation of the Facility for the prior fiscal year. Such report shall include—

''(1) a description of the activities undertaken by the Facility during the previous fiscal year;

''(2) a description of any Agreement entered into under this part;

''(3) a report on any Funds that have been established under this part and on the operations of such Funds; and

''(4) a description of any grants that have been provided by administering bodies pursuant to Agreements under this part.

''(b) SUPPLEMENTAL VIEWS IN ANNUAL REPORT.—Not later than December 15 of each year, each member of the Board shall be entitled to receive a copy of the report required under subsection (a). Each member of the Board may prepare and submit supplemental views to the President on the implementation of this part by December 31 for inclusion in the annual report when it is transmitted to Congress pursuant to this section.''.

PRESENTATION OF CONGRESSIONAL GOLD MEDAL TO NELSON ROLIHLAHLA MANDELA

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3156, which was received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3156) to present a Congressional Gold Medal to Nelson Rolihlahla Mandela.

There being no objection, the Senate proceeded to consider the bill.

Mr. D'AMATO. Mr. President, today I rise to encourage Senate passage of H.R. 3156, a bill to authorize the President to present Nelson Mandela with the Congressional gold medal. President Mandela is a courageous world leader who has championed rights for freedom and equality for decades.

Nelson Mandela was born in South Africa in 1918, the son of a Tembu tribal chief. His tribal name, Rolihlahla, means, "one who brings trouble upon himself." The name seems to have led the young Mandela into a life of challenge, from the time he chose to enroll in college in pursuit of a law degree over his right to become tribal chiefdom, to his more than 25 years spent incarcerated as a political prisoner in his native South Africa. Nelson Mandela continually led the cause for liberation of his people.

Mr. President, who could forget the image as multitudes of South Africans stood in long lines on April 27, 1994 to cast their first vote in the country's first-ever democratic elections. In his inaugural address, President Mandala presented himself as the right man to lead all people of South Africa into a time of healing for peace, justice, and democracy. His blueprint for South Africa is one for all citizens of that country regardless of race, religious affiliation or gender, working together to build a nation of prosperity.

Nelson Mandela is known throughout the world for his long struggle in the fight against apartheid and has received a number of prestigious humanitarian awards, including the Nobel Peace Prize in 1993. It is only fitting that this country recognize Nelson Mandela's life of dedication and sacrifice and his victory over racial inequality not only for South Africa, but for all peoples everywhere.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3156) was passed.

ORDERS FOR WEDNESDAY, JULY 15, 1998

Mr. ROBERTS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. on Wednesday, July 15. I further ask that when the Senate reconvenes on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted, and there then be 20 minutes for the following Senators limited to 5 minutes each: Senators MCCAIN, COATS, LIEBERMAN, and MURRAY. I further ask that following that debate the Senate stand in recess until 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. I further ask that when the Senate reconvenes, Mr. President, at 11 a.m., the Senate resume consideration of the Daschle amendment No. 3146 under the previous agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERTS. Mr. President, for the information of all Senators, when the Senate reconvenes on Wednesday at 11 a.m. and following morning business, the Senate will resume consideration of the Daschle amendment regarding marketing assistance loans. There are 3 hours of debate on the amendment, although some time is expected to be yielded back. Therefore, the first rollcall vote of Wednesday's session is expected to occur between 12 and 1 p.m. Also, a joint meeting of Congress is scheduled for 10 a.m. tomorrow. Senators are asked to be in the Senate Chamber at 9:40 a.m. in order to proceed as a body to the Hall of the House of Representatives to hear an address by the President of Romania. The Senate is expected to be in session into the evening with votes on Wednesday in order to complete action on the agriculture appropriations bill.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. ROBERTS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:05 p.m., adjourned until Wednesday, July 15, 1998, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 14, 1998:

DEPARTMENT OF ENERGY

BILL RICHARDSON, OF NEW MEXICO, TO BE SECRETARY OF ENERGY, VICE FEDERICO PENA, RESIGNED.

HOUSE OF REPRESENTATIVES—*Tuesday, July 14, 1998*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mrs. JOHNSON of Connecticut).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 14, 1998.

I hereby designate the Honorable NANCY L. JOHNSON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 6. An act to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes.

H.R. 3694. An act to authorize appropriations for fiscal year 1999 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 4059. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 6) "An Act to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JEFFORDS, Mr. COATS, Mr. GREGG, Mr. FRIST, Mr. DEWINE, Mr. ENZI, Mr. HUTCHINSON, Ms. COLLINS, Mr. WARNER, Mr. MCCONNELL, Mr. KENNEDY, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mr. WELLSTONE, Mrs. MURRAY, and Mr. REED, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3694) "An Act to authorize appropriations for fiscal year 1999 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SHELBY, Mr. CHAFEE, Mr. LUGAR, Mr. DEWINE, Mr. KYL, Mr. INHOFE, Mr. HATCH, Mr. ROBERTS, Mr. ALLARD, Mr. COATS, Mr. KERREY, Mr. GLENN, Mr. BRYAN, Mr. GRAHAM, Mr. KERRY, Mr. BAUCUS, Mr. ROBB, Mr. LAUTENBERG, and Mr. LEVIN; and from the Committee on Armed Services, Mr. THURMOND, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4059) "An Act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BURNS, Mrs. HUTCHISON, Mr. FAIRCLOTH, Mr. CRAIG, Mr. STEVENS, Mrs. MURRAY, Mr. REID, Mr. INOUYE, and Mr. BYRD, to be the conferees on the part of the Senate.

The message also announced that the Senate passed bills and concurrent resolutions of the following titles, in which concurrence of the House is requested:

S. 439. An act to provide for Alaska State jurisdiction over small hydroelectric projects, to address voluntary licensing of hydroelectric projects on fresh waters in the State of Hawaii, to provide an exemption for portion of a hydroelectric project located in the State of New Mexico, and for other purposes.

S. 538. An act to authorize the Secretary of the Interior to convey certain facilities of the Minidoka project to the Burley Irrigation District, and for other purposes.

S. 799. An act to direct the Secretary of the Interior to transfer to the personal representative of the estate of Fred Steffens of Big Horn County, Wyoming, certain land comprising the Steffens family property.

S. 814. An act to direct the Secretary of the Interior to transfer to John R. and Margaret J. Lowe of Big Horn County, Wyoming, certain land so as to correct an error in the patent issued to their predecessors in interest.

S. 846. An act to amend the Federal Power Act to remove the jurisdiction of the Federal Energy Regulatory Commission to license projects on fresh waters in the State of Hawaii.

S. 1158. An act to amend the Alaska Native Claims Settlement Act, regarding the Huna Totem Corporation public interest land exchange, and for other purposes.

S. 1159. An act to amend the Alaska Native Claims Settlement Act, regarding the Kake Tribal Corporation public interest land exchange.

S. 1609. An act to amend the High-Performance Computing Act of 1991 to authorize appropriations for fiscal years 1999 and 2000 for the Next Generation Internet program, to require the Advisory Committee on High-Performance Computing and Communications, Information Technology, and the Next Generation Internet to monitor and give advice concerning the development and implementation of the Next Generation Internet program and report to the President and the Congress on its activities, and for other purposes.

S. 1976. An act to increase public awareness of the plight of victims of crime with developmental disabilities, to collect data to measure the magnitude of the problem, and to develop strategies to address the safety and justice needs of victims of crime with developmental disabilities.

S. 2022. An act to provide for the improvement of interstate criminal justice identification, information, communications, and forensics.

S. 2073. An act to authorize appropriations for the National Center for Missing and Exploited Children.

S. 2275. An act to make technical corrections to the Agricultural Research, Extension, and Education Reform Act of 1998.

S. 2282. An act to amend the Arms Export Control Act, and for other purposes.

S. 2294. An act to facilitate the exchange of criminal history records for noncriminal justice purposes, to provide for the decentralized storage of criminal history records, to amend the National Child Protection Act of 1993 to facilitate the fingerprint checks authorized by that Act, and for other purposes.

S. Con. Res. 30. Concurrent resolution expressing the sense of Congress that the rules of multilateral economic institutions, including the International Monetary Fund and the International Bank for Reconstruction and Development, should be amended to allow membership for the Republic of China on Taiwan and other qualified economies.

S. Con. Res. 81. Concurrent resolution honoring the Berlin Airlift and commending the Berlin Sculpture Fund.

S. Con. Res. 106. Concurrent resolution to commend the Library of Congress for 200 years of outstanding service to Congress and the Nation, and to encourage activities to commemorate the bicentennial anniversary of the Library of Congress.

S. Con. Res. 107. Concurrent resolution affirming United States commitments under the Taiwan Relations Act.

The message also announced that pursuant to the provisions of Public Law 105–186, the Chair, on behalf of the Democratic Leader, appoints the following Senators to the Presidential Advisory Commission on Holocaust Assets in the United States—the Senator from California (Mrs. BOXER); and the Senator from Connecticut (Mr. DODD).

The message also announced that pursuant to the provisions of Public Law 105–186, the Chair, on behalf of the Majority Leader, appoints the following Senators to the Presidential Advisory Commission on Holocaust Assets in the United States—the Senator

from New York (Mr. D'AMATO); and the Senator from Pennsylvania (Mr. SPECTER).

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, other than the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

OREGON DEATH WITH DIGNITY LAW

Mr. BLUMENAUER. Madam Speaker, one of the most difficult decisions we in Congress routinely face on the Federal level is choosing where to act or intervene in a decision that is reached elsewhere. There are some that are relatively easy decisions for most Americans, as in the case of where there is active discrimination or a failure to protect the environment. People feel entirely comfortable with the Federal Government moving to assure equity and environmental protection.

Many, however, are decisions that are very much in a gray area, which some choose, unfortunately, to use for political reasons. One of these gray areas, the decision that affects the end of life, is perhaps one of the most difficult and personal.

In the State of Oregon, which I represent, we have struggled, debated and agonized over this issue for the last 4 years. The end-of-life issue is a very complex one, and, with the advent of new medical technologies and our rapidly aging population, it is getting more so for more of us.

There are a wide range of ways to impact on these decisions, but none, as near as I can tell, require Federal help or interference. Yet today, the House Committee on the Judiciary is poised to have one of its subcommittees deal with legislation that would do precisely that, undermine a decision that has been agonized over in my State of Oregon for these last 4 years.

There are, in fact, some very technical problems of a serious nature with this legislation. It would, in fact, interfere with the practice of medicine, of pharmacy, of pain management, of hospice management, in ways that would have profound effects on rights that many in America have taken for granted, and that is why there are large numbers of the medical profession that have come forward with their opposition to legislation of this nature.

In Oregon, our legislation, Death with Dignity, is still a work in progress, but the fact is the preliminary evidence suggests that this option may actually reduce the incidence of violent suicide while easing the burden of both the individual and their family.

Rather than having a flood of people to our State to take advantage of the provisions of the Death with Dignity law, it appears that individuals, having the knowledge that they, their families and their doctors can control this decision, gives a sense of peace and contentment that enables some people to move forward, enduring the pain and the struggle, without resorting to taking their own life.

At this very moment, there are people in America who are struggling with this question in their family, and, before the day is out, there will be someone in America who will, in fact, hasten their death.

As Americans struggle with these issues, mostly hidden from public view, it is important that we not have that personal tragedy, that agony, that frustration made more difficult by laws that ignore the realities of modern medicine and the range of legitimate personal medical choices.

As we age as a society, exponentially, with the increase of the elderly population, and just the growth in our population, this will become more serious. As medical science continues to advance, the difficult decision points are going to be made more difficult and more complex.

The evidence suggests that Americans support the principles of Death with Dignity. But whether you are a conservative and supportive of States' rights, or you are characterizing yourself perhaps as more progressive and feel that the government should be involved with more innovative policy development, it should be a point of common agreement that the Federal Government should allow Oregonians to continue their struggle in the implementation of Death with Dignity and avoid unnecessary Federal interference.

AMERICA UNITING IN PROVIDING FLORIDA DISASTER RELIEF

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour business for 5 minutes.

Mr. STEARNS. Madam Speaker, my home State of Florida has been ravaged with the worst outbreak of fire in the State's history. We have seen the type of destruction which devastates communities. Such a disaster demands that people work together to protect life and property, and, in these cases, some of the best qualities come out of our American people.

Since June 1, 1998, in a prolonged drought, we have seen 1,946 reported fire outbreaks. The destruction is widespread. Fires have burned over 485,000 acres of land, over 2,200 homes and structures, and several businesses.

Madam Speaker, the outpouring of goodwill and assistance we received came not only from within our State, but from the Federal Government and, in fact, from 44 other States. Foreign countries even offered aid, with one loaning a special fire-fighting unit.

The Florida National Guard and U.S. Marine units worked together to help evacuate people, clear brush and build temporary bridges to transport the heavy fire-fighting equipment. Contractors in the private sector volunteered machinery and manpower to battle the flames and transport water. Churches, schools, motels and businesses opened their doors to shelter over 100,000 evacuees. Donations poured in to aid the victims and help the brave emergency workers and firefighters.

I am proud to represent these kinds of people, particularly the people who live in Palatka, Florida. These residents did not suffer the fire damage seen in other areas, but were able to open their doors to over 2,000 evacuees streaming from nearby Flagler County and other fire-stricken areas.

The local Price-Martin Community Center served as an information center, providing directions to nearby shelters. Folks from my county who love horses went over to Volusia County and helped with those folks who had horses that were straying. Volunteer nurses and the local Red Cross worked around the clock to ease the suffering of those forced from their homes.

Recognizing our State's emergency situation, on June 18, 1998, President Clinton declared the State of Florida a major disaster area, paving the way for over $32 million in Federal aid to reach Florida's fire-ravaged areas.

More recently, Secretary Glickman declared Florida eligible for Department of Agriculture assistance. That was very good news for Florida's family farmers, who sustained significant production losses. Agricultural interests in Florida suffered $100 million in damages just from El Nino events, and then lost more than $400 million in the following droughts and fires.

As grateful as we are in Florida for this Federal assistance, it comes at a 25 percent State cost. FEMA has initiated $60 million worth of missions to help Florida, but that means that Florida must contribute $15 million of its own. Add that to about $45 million in State and local costs, and the State's price tag of this natural disaster really begins to mount.

Fortunately, FEMA policy allows 100 percent Federal funding for direct Federal assistance emergency work. Recently Florida requested that the President authorize 100 percent funding for essential Federal assistance provided to date and thereafter.

I hope that the 100 percent assistance will be granted, as this is the fifth disaster declaration Florida has faced in 5 years, and that it comes on the heals of the El Nino floods earlier this year. Florida disaster resources are nearly exhausted. By reflecting on our response to this natural disaster, we can prepare for future fire outbreaks.

As a member of the House Fire Service Caucus, I recognize that a coordinated effort of all available resources is necessary to battle these blazes. On June 25, I joined fellow caucus members at a press conference highlighting our new task force and initiative on wildland fires.

□ 1245

We contacted the Secretary of Defense, Mr. Cohen, requesting the cooperation and the assistance of the Department of Defense to identify assets he could make available for firefighting purposes. Additionally, we asked the U.S. National Guard to examine its past deployments in firefighting efforts and then offer recommendations as to how these assets can be most effectively administered.

Luckily, I say to my colleagues, recent rains have provided some relief, and those who helped us through the worst deserve our praise and thanks. As we have seen, this difficult situation revealed our country's good character. This was evident in the valiant firefighting efforts that began on the first of June. I am confident that through a continued coordinated effort we will completely extinguish these fires threatening Florida and begin the long process of recovery.

Madam Speaker, I am here today to applaud all the efforts of all Floridians for all the hard work they have done to put out these fires. God bless them all.

TRIBUTE TO WATKINS M. ABBITT, SR.

The SPEAKER pro tempore (Mrs. JOHNSON of Connecticut). Under the Speaker's announced policy of January 21, 1997, the gentleman from Virginia (Mr. SISISKY) is recognized during morning hour debates for 5 minutes.

Mr. SISISKY. Madam Speaker, it is my sad duty to inform the House that former Congressman Watkins M. Abbitt, who formerly represented the 4th District of Virginia, died yesterday at the age of 90.

Congressman Abbitt was a true son of the south. He was born in Lynchburg, Virginia, 1908, graduated from the Appomattox Agricultural High School in 1925, and earned a law degree from the University of Richmond in 1931. He served as Commonwealth's Attorney in Appomattox from 1932 to 1948 and was a member of Virginia's Constitutional Convention in 1945.

He was a delegate to Democratic State conventions from 1932 to 1952, Chairman of the Democratic Central Committee from 1964 to 1970, and delegate to the Democratic National Convention in 1964. He also became a director of the Farmers National Bank.

He was elected to Congress in 1948 and served until he retired in 1973.

I will be the first to tell my colleagues that the 4th District has changed since Wat Abbitt served in Congress, and the great thing about Wat Abbitt was that he saw changes coming and was ready to change with it. Nevertheless, the rural character of Southside is still there; the peanut and tobacco farmers and families are still there.

After he retired, Wat Abbitt said his biggest accomplishment had been looking after the interests of the farmers in his district. I hope they can say that about me.

Among many of my constituents, Wat Abbitt is still the standard by which they measure an effective Congressman. I can tell my colleagues this about serving in Congress: I have worked hard to get the job, and I think I would have been elected even if Wat Abbitt had not helped me, but it sure made things easier for me that he did. I suspect there is 40 years worth of Virginia's governors, from both parties, and Congressmen who could say the same thing. He was one of the rare politicians who combined fidelity to the past with respect for the future. That ability helped change Virginia from the way it used to be to the way that it is today.

Madam Speaker, I yield to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Madam Speaker, it is my pleasure to join my colleague, the gentleman from Virginia (Mr. SISISKY) in expressing sadness at the passing of former Congressman Watkins M. Abbitt of Appomattox. He served with distinction in this body for over 24 years. He represented the 4th District, but from 1972 on, he was a resident of Virginia's 5th District.

He first came to Congress in the winter of 1948 when he won an overwhelming victory over four opponents. In the years that followed, he rarely faced opposition because of his outstanding reputation and his leadership in the United States House of Representatives.

As Chairman of the Democratic Party of Virginia, he fought hard to bring our party into a position of prominence. In 1946, he had the distinction of being the only Statewide campaign manager for two Statewide campaigns, those of U.S. Senator Harry Byrd and U.S. Senator A. Willis Robinson. Both were overwhelmingly successful.

In 1972, Wat Abbitt retired from Congress though not from politics or life. He left all of us who knew him with many legacies, but I should mention three of the hallmarks of his legislative years: support for tobacco, fighting for peanuts, and warnings about rising deficits. In his later years he remained active. This last year he sold more tickets to the Appomattox County Democratic Fish Fry than any other person.

He gained renown as a great speaker, and I fondly recall his remarks and his speeches on my behalf in the nomination process for the U.S. House of Representatives.

I join many others in extending condolences to his wife; to his son, Watkins M. Abbitt, Jr., who is following in his father's footsteps and who is a member of the Virginia House of Delegates; to his two daughters; to his two brothers; and to his sisters. May we all remember his enthusiasm, his zest for living, and his willingness to fight for causes that were just and may he always serve as a model for us in the years ahead.

JUSTICE AND EQUITY FOR FILIPINO VETERANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from California (Mr. FILNER) is recognized during morning hour debate for 5 minutes.

Mr. FILNER. Madam Speaker, what I want to do this afternoon is to bring to the attention of my colleagues and the American people a glaring injustice that has existed in this country for more than half a century, an injustice that was caused in 1946 and that we in this Congress in 1998 have a chance to remedy.

Recently, this Congress passed a resolution of support and congratulations for the 100th anniversary of the independence of the Republic of the Philippines. We celebrated that anniversary as true partners in the world with the Philippine Republic. I said at that time a few weeks ago that a better way to give honor to our allies in the Pacific, a better way to celebrate this 100th anniversary of our close partner, would be to remedy an injustice that was perpetrated on the brave veterans of the Philippine armed forces who fought side by side with the American Army in the liberation of the Pacific in World War II.

The Philippine soldiers were drafted into World War II by our President Franklin Roosevelt. They fought side by side and helped to win the battle of the Pacific; and yet, after the war, all the benefits of being a veteran were taken away by the Congress of 1946.

There is legislation in this House that is cosponsored by almost 200 of us, legislation introduced by the distinguished Chairman of the House Committee on International Relations, the gentleman from New York (Mr. GILMAN) and myself, H.R. 836, called the Philippines Veterans Equity Act.

Thanks to the Chairman of the Committee on Veterans' Affairs, the gentleman from Arizona (Mr. STUMP), we will be having a hearing on this legislation next week on July 22nd, a hearing on H.R. 836, the Filipino Veterans Equity Act. That hearing promises to give the American people a living history lesson of past bravery and courage, much of it long forgotten by our current generation.

The American people will hear from brave participants in the battles of Bataan and Corregidor. They will hear from survivors of the famous Bataan Death March in which thousands of Filipinos and Americans died. They will hear from guerilla fighters who, for 4 years in the Philippines, both held up the advance and the consolidation of power by the invaders and helped prepare the way for the return to the Philippines by General Douglas MacArthur. The story after that is well known, with MacArthur retaking the Philippines and using that as a base to regain the Pacific.

What will be clear from this testimony next week at the House Committee on Veterans Affairs will be the bravery, the courage, the honor, the dignity and the loyalty of these veterans of World War II, and what will also be clear is the injustice that was perpetrated more than 50 years ago and the dishonor that was brought really to us as Americans by allowing this action. We took away the rights that they had earned as veterans of the American Armed Forces. To this day, they are still wanting a return of this honor and dignity. Of more than almost a quarter of a million who were alive during World War II, less than 75,000 are alive today.

I plead with this Congress and with the Committee on Veterans' Affairs to restore the honor and dignity to these brave veterans in the last years of their lives. Let us pass H.R. 836, the Filipino Veterans Equity Act. Let us restore the honor and dignity of these brave fighters of World War II. Let us grant equity to them now.

We have apologized as a Nation for the internment of the Japanese in World War II. We have apologized to those soldiers at Tuskegee who were involuntarily subject to medical experiments which led to their death. It is time as a Nation that we apologize to the brave veterans of World War II who are from the Philippines. Let us pass H.R. 836. Let us give these soldiers their honor and dignity.

RUSSIAN MATTERS RELEVANT TO THE UNITED STATES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Pennsylvania (Mr. WELDON) is recognized during morning hour debates for 5 minutes.

Mr. WELDON of Pennsylvania. Madam Speaker, last evening I gave a keynote speech at the John F. Kennedy School of Harvard University to a group of 25 Duma members from Russia, parliamentarians who were here for 2 weeks of orientation in the ways of our operation of the American democracy, our Congress and our system of government. It was an eye-opening experience, and I wish them well as they spend the next 2 weeks learning more about America and our democracy.

Working in Russian issues as I do, I have two other facts I would like to bring to the attention of my colleagues. One is a very positive development in Russia, and we have all watched with a great degree of concern as this emerging democracy over the past several years has evolved in giving people additional rights and freedoms.

One of my good friends, Aleksei Yablokov, who has testified twice before Members of this Congress and our subcommittees on issues involving the environment, nuclear contamination and small nuclear bombs, unfortunately had an incident where one of the Russian publications, Nezavisimaya Gazeta, wrote an article about Mr. Yablokov calling him a traitor because he came before the U.S. Congress and told in a very open setting about his concerns that Russia had, in fact, built small nuclear suitcase bombs, that these bombs might not be accounted for.

Mr. Yablokov sued this publication and just recently, in fact last week, the Moscow Municipal Court ruled in favor of Aleksei Yablokov, ordered the newspaper, the Gazeta, to print a public retraction by the 9th of September, 1998, and to pay Yablokov 30,000 rubles because of this libel case. It is a credit to the Russian system that an individual with the integrity of Aleksei Yablokov can sue and successfully win compensation for wrongs committed by the Russian media, and for that I applaud Russia.

The second issue concerns me, Madam Speaker, because during the recent break one of my good friends, a member of the State Duma from the our home is Russia party, Lev Rokhlin was assassinated. He was the Chairman of the Duma Committee on National Security. I had met with him on numerous occasions, and while I in many cases did not agree with his political positions, I respected him. He was a retired Russian general, someone who was known for committing himself and his political leadership to support for the troops, for their quality of life.

□ 1300

Lev was also one of the most outspoken critics of Boris Yeltsin. In fact, last year he called publicly for Yeltsin to be impeached. For these calls, Lev was removed from his position as chairman of the Duma Defense Committee. He was involved more recently in investigating whether or not Russian oil companies took money for use in the Caucasus, to be used to buy weapons, instead of being used for the people and for the Russian government.

There are suspicions that Lev Rokhlin was assassinated because of his outspoken comments. The official line out of Moscow is that Lev was killed by his wife, a wife who shot him in a fit of anger. But Lev's children have publicly come out and said that is not the case, that Lev was assassinated, and that his wife had to say what she did because she also was told she would be assassinated.

In addition, Yuri Markin, a lawyer that worked with Rokhlin, said that he believed that there was an assassination attempt on his life the same night Lev Rokhlin was killed. Mr. Markin claims Lev was assassinated because he in fact was revealing things that were going on inside of Russia that were not legal and that in fact involved organized crime.

I encourage, Madam Speaker, the Russian government to fully investigate, as Boris Yeltsin has promised, the unfortunate and untimely death of Lev Rokhlin, so we can, as we have in the case of the environmentalists winning the money from the slanderous article by the Russian newspaper, so that we can have peace of mind that Lev Rokhlin was not killed by some organized criminal element in Russia because of what he was saying and because of the job that he was performing as a member of the State Duma.

The Russian people understand this issue. In fact, at Lev's funeral last week over 10,000 Russian citizens came out in force. Most of them have a suspicion that Lev was in fact assassinated by forces other than his wife.

I would ask our administration to lend its support to my call for the Russian government to have a full accounting as to the circumstances and facts surrounding the death of Duma Deputy Lev Rokhlin.

THE TRANSPORTATION NEEDS OF THE RESIDENTS OF THE 46TH CONGRESSIONAL DISTRICT

The SPEAKER pro tempore (Mrs. JOHNSON of Connecticut). Under the Speaker's announced policy of January 21, 1997, the gentlewoman from California (Ms. SANCHEZ) is recognized during morning hour debates for 3 minutes.

Ms. SANCHEZ. Madam Speaker, during the Fourth of July district work period, it was my distinct honor to join officials in Orange County, California, to highlight the transportation needs of the 46th Congressional District.

I joined the chairman of the Orange County Transportation Authority, Sara Catz, a longtime friend, and the

regional administrator for the Federal Transit Administration, Mr. Leslie Rogers, to present a $5 million check in Federal transportation funding to undertake a feasibility study for the construction of an urban light rail system.

I believe that the final release of the Federal funding is an excellent example of the partnership between the Federal Government and regional transportation agencies in an effort to meet the transportation needs of local residents. I am pleased to work with the administration to make the funding available to begin the feasibility study of the transitway project.

The funding represents a significant step in relieving the crushing transportation demands of the residents of Orange County.

For example, the projected future economic growth will result in an estimated 43 percent increase in county traffic by the year 2020. In fact, if we take a look at the work that is being done today in the city of Anaheim, $5 billion worth of new construction, private construction, where we are building a second Disneyland theme park, Members will note that we have a lot of construction going on today.

While the residents of Orange County many years ago passed a proposition which would allow us to fund many of the transportation improvements we have been working on, the fact of the matter is that the economic good times that are occurring there with respect to construction and jobs require an even more fundamental solution.

For example, the interstate throughway through Orange County now has a place where it is 26 lanes wide in just one spot, so transit makes good sense if it can be affordable and if it can be applied correctly.

In fact, if we do not do something and we continue just to build freeways, it will add about another 20 minutes to commute time in Orange County, where some people already have commute times of 2 hours just one way to get to work in the morning.

The potential for the light rail system in our county is exciting. Transitway projects such as this represent a sound investment in infrastructure that enable our economy to thrive and to provide our communities with a safe and reliable transportation system. It becomes even more important as part of our population continues to age and as, for example, in the city of Santa Ana, which I represent, we have the youngest population across the United States.

Ultimately, by improving our transportation system, we stimulate economic growth, we create local jobs, and ultimately we improve the quality of life for our cities and our neighborhoods.

NORTON FILES BILL FOR FULL CONGRESSIONAL REPRESENTATION FOR THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized during morning hour debates for 5 minutes.

Ms. NORTON. Madam Speaker, today I introduced the District of Columbia Voting Rights Act of 1998, my first bill following the July 4 recess. District citizens commemorated July 4 of this year by presenting a petition to Congress for redress of grievances granting the citizens of the District of Columbia representation in Congress.

July 4 was the date the Founders of the Nation and the Framers of the Constitution declared their right to full voting representation before submitting to any government. The residents of the District take them at their word and insist upon the same.

Because the petition is not self-executing but requires the introduction of a bill, I have an obligation to respond to the petition by introducing a bill to carry out its request to the Congress to grant the District full voting representation. I expect the same bill to be introduced in the Senate.

District citizens, with great patience, have pursued all the remedies available to them, the Voting Rights Act of 1978 and the New Columbia Admission Act of 1993. Following the example set at the founding of the Nation on July 4 of 1776, it has become impossible for the District to let the matter rest any longer. A combination of authoritative sources now make clear that Congress cannot continue constitutionally to deny District residents representation in the national legislature, but must and can take all steps necessary to afford them full representation.

The Congress has continually cited Article I, Section 8, Clause 17, for the proposition that it has plenary power to do whatever is constitutionally and legally necessary to or for the District. Using this power, the Congress has required District residents to meet the responsibilities of States and to accept the obligations of States, but has denied District citizens the rights that citizens of the States take for granted. Under the Constitution as interpreted by the courts today, it has become impossible to argue that the Constitution gives the Congress power at once to impose obligations and to deny rights.

Fortunately, the Framers of the Constitution have not left District citizens without a remedy, should Congress fail to act. That is what the courts are there for, and that is what the Constitution is there for.

Therefore, today I am introducing into the RECORD the Petition for Redress of Grievances, which lays out the broad outlines of the constitutional framework that requires that District citizens be treated like the full American citizens they are.

The courts have already decided that all Americans are entitled to equal representation in the national legislature. The Supreme Court has interpreted the due process clause, the equal protection clause, the privileges and immunities clause, and the guarantee of a republican form of government, to mean that no American citizen may be excluded from an equal vote in the Congress.

The right to be represented in the national legislature is a function of national citizenship. District residents cannot be held to be the only citizens excluded from the one man-one vote equal representation of Reynolds versus Sims.

The citizens of the District of Columbia are as much entitled to the right to full representation as citizens who leave our shores, perhaps for a lifetime, but still claim the right to representation in the House and Senate, under the Overseas Citizens Voting Rights Act of 1975 passed by the Congress.

Thomas Jefferson spoke for the people whom I represent when, in the Declaration of Independence, he wrote about ". . . a long line of abuses and usurpations" resulting from government without representation of the governed, and concluded that there was "a duty to throw off such government and to provide new guards."

Like the colonists, District citizens pay taxes as required by a body in which they have no representation. Unlike the colonists, District citizens have recourse to a peaceful path for the redress of grievances, the Congress of the United States, and failing that, Article 3 courts established by the Framers themselves.

Therefore, I call upon my colleagues in the House and Senate to use Article I, Section 8, Clause 17, and the other relevant constitutional provisions and cases forthwith to grant, in the words of the bill I introduced today, ". . . the community of American citizens who are residents of the District constituting the seat of government of the United States . . . full voting representation in the Congress" before the 105th Congress adjourns sine die.

Madam Speaker, I include for the RECORD the text of the Petition for the Redress of Grievances.

The material referred to is as follows:

PETITION FOR REDRESS OF GRIEVANCES

We the people of the District of Columbia exercise our First Amendment right this July 4th "to petition the Government for a redress of grievances."[1] We file our Petition to ask the Congress and the President to redress the most fundamental of grievances: our lack of voting representation in the United States House of Representatives and in the United States Senate.

We the people of the District of Columbia are citizens of the United States, endowed

[1] Footnotes at end of petition.

with all the attendant rights and duties of American citizenship. Like all other American citizens, we are governed by the laws Congress writes; thousands of us have fought and died in the wars Congress has declared; and we pay into the Treasury billions of dollars for the taxes Congress levies. Yet, unlike all other citizens, we have no vote in the decisions Congress makes. And we are denied that right solely because our home is the Nation's Capital, the city that is a symbol of Democracy to people throughout the world.

This denial is wrong, because it is contrary to the principles of democratic consent and representative government upon which our Nation was founded. It was wrong when the vote was denied to African-Americans; it was wrong when the vote was denied to women; it was wrong when the vote was denied through poll taxes, literacy tests, property requirements and other devices that excluded citizens from equal participation in our Government; and, it is wrong now to deny voting rights in Congress to the citizens of the District of Columbia. Congress and the President, in the noble American tradition of justice for all, have redressed these wrongs in the past. They should do the same for us now. We therefore petition the Congress and the President to right the wrong that continues to be done to the citizens in the Nation's Capital.

The principles upon which we base our petition were first set out in the Declaration of Independence, 222 years ago today. There, Thomas Jefferson and the other founders of our Republic declared that Governments justly derive their powers only "from the consent of the governed" and that Great Britain had violated that requirement by forcing our people to "relinquish the right of Representation in the Legislature, a right inestimable to them . . ."[2]

In its first seven words, our Constitution carries forward these basic principles of our Declaration of Independence and articulates the sole source of our Government's legitimacy: "We the people of the United States . . ."[3] On behalf of all the people of the United States, the Founding Fathers wrote the Constitution in order to secure the Blessings of Liberty to the citizens of the original states and to their Posterity. We are part of that Posterity, and we therefore claim the rights the Constitution gives us.

The Constitution guarantees Due Process to all citizens. It guarantees Equal Protection of the Laws to all citizens. It guarantees the Privileges and Immunities of citizenship to all citizens. And it guarantees a Republican Form of Government to all citizens. As Abraham Lincoln said, ours is a government "of the people, by the people, and for the people."[4] We the citizens of the District of Columbia are entitled to the rights the Constitution guarantees, and we are certainly a part of the people of whom Lincoln so movingly spoke. To continue to deny us the vote is to deny us these constitutional rights and to exclude us from Lincoln's promise.

For how can ours be a Government of the people if part of the people have no voice in that Government solely because of their place of residence? How can we receive Due Process if we do not participate in the process that makes the laws we are asked to obey? How can we benefit from Equal Protection if the laws exclude us from voting representation? How can we exercise the Privileges of citizenship if we are denied citizenship's most precious privilege—the right to vote for those who govern us? And how can we enjoy a Republican form of Government if we have no voting representation in that Government? Indeed, how can our Government claim the consent of the governed when a half-million people in our Nation's Capital cannot consent because they have no vote?

The answer to all these questions is that without the right to vote, our Democratic rights are debased and the Blessings of Liberty are withheld. As Susan B. Anthony said in 1872: "Our democratic-republican government is based on the idea of the natural right of every individual member thereof to a voice and a vote in making and executing the laws."[5] As she also said: "It was we, the people, not we, the white male citizens, but we, the whole people, who formed this Union."[6] And as Martin Luther King, Jr., said on that historic day in 1963 when he and thousands of others gathered in our Nation's Capital: "When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir."[7] As he also said then, "now is the time to make real the promises of democracy."[8]

For most citizens, the Supreme Court made good that promise in 1964 in its landmark "one-person one-vote" decision (*Reynolds* v. *Sims*). In so doing our Supreme Court declared: "No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined."[9]

To their great credit, our recent Presidents and Congresses have repeatedly acted to further this constitutional imperative of representation for all Americans. President Lyndon Johnson, placing the full weight of his presidency behind the historic Voting Rights Act in 1965, declared before a Joint Session of Congress that "every American citizen must have an equal vote" and that "there is no duty which weighs more heavily on us than the duty we have to ensure that right."[10] Twenty-five years later, on the anniversary of that Act, President George Bush proclaimed a national day of celebration, declaring that "the right to vote . . . is at the heart of freedom and self-government."[11] He urged all Americans to "reflect upon the importance of exercising our right to vote and our determination to uphold America's promise of equal opportunity for all."[12]

For its part, Congress has repeatedly responded to such calls from our Presidents and from the Nation to protect the right to vote. For example, in the National Voter Registration Act of 1993, Congress expressly found that: (1) the right of citizens of the United States to vote is a fundamental right; and (2) it is the duty of the Federal, State, and local governments to promote the exercise of that right.[13]

Our grievance is that these resounding pronouncements ring hollow to us this July 4th. In November, when all other American citizens cast their ballots for their Representatives and Senators in our national Legislature, our votes will not be among them. On that day, the people of America will exercise their most precious right, but we the people of the Nation's Capital will be left out.

Twenty years ago, Congress recognized this grave injustice and proposed a constitutional amendment to address it. Two-thirds majorities of both Houses of Congress passed a joint resolution declaring that District citizens are entitled to full voting representation in both Houses. Senator Thurmond, who supported the amendment, defended its adoption as follows:

"I think it is a fair thing to do. We are advocating one-man, one vote. We are advocating democratic processes in this country. We have more than 700,000 people in the District of Columbia who do not have voting representation. I think it is nothing but right that we allow these people that representation. We are advocating democratic processes all over the world. We are holding ourselves up as the exemplary Nation that others may emulate in ideas of democracy. How can we do that when three-quarters of a million people are not allowed to have voting representation in the capital city of this Nation?"[14]

Senator Dole, who also championed the bill, explained that the 1976 Republican platform had endorsed voting representation for the District in both Houses, that as the Vice-Presidential nominee he had pointed "with pride" to that position as an "excellent expression of Republican ideals and principles," and that he supported passage of the 1978 bill.[15] His reasons eloquently capture why such a bill was and is necessary:

"The absence of voting representation for the District in Congress is an anomaly which the Senate can no longer sanction. It is an unjustifiable gap in our scheme of representative government—a gap which we can fill this afternoon by passing this resolution.

* * * * *

"It seems clear that the framers of the Constitution did not intend to disenfranchise a significant number of Americans by establishing a Federal District. I believe that the framers would have found the current situation offensive to their notions of fairness and participatory government.

* * * * *

"The Republican Party [in 1976] supported D.C. voting representation because it was just, and in justice we could do nothing else. We supported full rights of citizenship because from the first—from Lincoln forward—we have supported the full rights of citizenship for all Americans."[16]

These Senators' reasoning in support of full democratic representation for the District is as compelling today as it was 20 years ago. And yet, what these Senators rightly found intolerable 20 years ago still persists today. For although two-thirds of the Congress endorsed voting representation for the District in 1978, the vehicle chosen by Congress—a constitutional amendment—failed to attain ratification by the required three-fourths of the States. As a result, the equal rights for D.C. citizens that a large majority of the Members of Congress supported have still not been enacted into law.

However, a constitutional amendment is not required to give us those rights. Those rights are already guaranteed by the Constitution. All that Congress need do is pass a bill today recognizing that fact and giving us voting representation as it intended 20 years ago. Congress should do so now, not only because it is constitutionally and morally right, but also because it speaks to the common sense of the people. The most recent poll of public opinion shows that 80 per cent of the American people believe we should have equal representation in Congress.[17]

For these reasons, we formally petition the Congress to pass a bill granting us by legislation full voting representation as it approved for the District in 1978. We furthermore petition the Congress to pass such a bill before it adjourns this session. And we petition the President to support and promptly sign the bill. Our Government should not let us enter the 21st century as second-class citizens.

It is time to remedy this fundamental injustice. It is time to extend democracy to the loyal and taxpaying American citizens who reside in the Nation's Capital. It is time to give us the vote.

Respectfully submitted by John M. Ferren, District of Columbia Corporation Counsel, On Behalf of the Citizens of the Nation's Capital.

[To be signed, also, by a number of representative citizens of the District of Columbia]

FOOTNOTES

1. Constitution of the United States of America, Amendment I.
2. The Declaration of Independence (1776).
3. Constitution of the United States of America, Preamble.
4. Abraham Lincoln, The Gettysburg Address (November 19, 1863)
5. Susan B. Anthony, Women's Right to Vote Speech (June 1873)
6. Ibid.
7. Rev. Martin Luther King, Jr., "I Have a Dream" Speech (August 28, 1963).
8. Ibid.
9. 377 U.S. 533, 560 (1964).
10. 111 Cong. Rec. H5059 (1965).
11. Proclamation No. 6165, 55 Fed. Reg. 32233 (1990).
12. Ibid.
13. 42 U.S.C. §1973gg.
14. 124 Cong. Rec. 27253 (daily ed. August 22, 1978).
15. 124 Cong. Rec. 27254 (daily ed. August 22, 1978).
16. Ibid.
17. Washington Post, page J-1 (March 19, 1980).

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 10 minutes p.m.), the House stood in recess until 2 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HAYWORTH) at 2 p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

May Your blessings, O God, that have touched our life since birth and continue with us day by day, abide in our hearts and minds this day. We recognize, gracious God, that the times abound with opportunities and challenges. As we seek to be responsible in our tasks, we need to know not only the details of issues, but we also need to surround ourselves with the great traditions from which we garner our values and ideals, our faith and our convictions. May our shared heritage remind us that in all things we should do justice, love mercy and ever walk humbly with You. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Ms. EDDIE BERNICE JOHNSON of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, June 26, 1998.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following messages from the Secretary of the Senate on Friday, June 26, 1998 at 1:00 p.m.:

That the Senate Agreed to House amendment S. 731.

That the Senate Passed without amendment H.R. 651.

That the Senate Passed without amendment H.R. 652.

That the Senate Passed without amendment H.R. 848.

That the Senate Passed without amendment H.R. 960.

That the Senate Passed without amendment H.R. 1184.

That the Senate Passed without amendment H.R. 1217.

That the Senate Passed without amendment H.R. 1635.

That the Senate Passed without amendment H.J. Res. 113.

With warm regards,

ROBIN H. CARLE,
Clerk.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, June 29, 1998.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following messages from the Secretary of the Senate on Monday, June 29, 1998 at 3:03 p.m.

That the Senate Agreed to House amendments to Senate amendments H.R. 3130.

With warm regards,

ROBIN H. CARLE,
Clerk.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, July 10, 1998.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Friday, July 10, 1998 at 11:30 a.m.

That the Senate Agreed to conference report H.R. 2676.

With warm regards,

ROBIN H. CARLE,
Clerk.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule 1, the Speaker pro tempore signed the following enrolled bills on Tuesday June 30, 1998:

H.R. 651, to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes;

H.R. 652, to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes;

H.R. 848, to extend the deadline under the Federal Power Act applicable to the construction of the AuSable hydroelectric project in New York, and for other purposes;

H.R. 960, to validate certain conveyances in the city of Tulare, Tulare County, California, and for other purposes;

H.R. 1184, to extend the deadline under the Federal Power Act for the construction of the Bear Creek hydroelectric project in the State of Washington, and for other purposes;

H.R. 1217, to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes;

H.R. 2202, to amend the Public Health Service Act to revise and extend the Bone Marrow Donor Program, and for other purposes;

H.R. 2864, to require the Secretary of Labor to establish a program under which employers may consult with State officials respecting compliance with occupational safety and health requirements;

H.R. 2877, to amend the Occupational Health Act of 1970;

H.R. 3130, to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentives payments for

effective child support performance, to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements, and for other purposes; and

S. 731, to extend the legislative authority for construction of the National Peace Garden Memorial, and for other purposes;

And the Speaker pro tempore signed the following enrolled bills and joint resolution on Tuesday, July 7, 1998:

H.R. 1635, to establish within the United States National Park Service the National Underground Railroad Network to Freedom Program, and for other purposes;

H.R. 3035, to establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies; and

H.J. Res. 113, approving the location of a Martin Luther King, Jr., Memorial in the Nation's Capitol.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON WEDNESDAY, JULY 15, 1998, FOR THE PURPOSE OF RECEIVING HIS EXCELLENCY EMIL CONSTANTINESCU, PRESIDENT OF ROMANIA

Mr. PITTS. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, July 15, 1998, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting his Excellency Emil Constantinescu, President of Romania.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SUPPORT THE CHILD CUSTODY PROTECTION ACT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise today in support of the Child Custody Protection Act, which this House will address tomorrow. It is time that we stand up for the safety of the daughters of this Nation as well as for the rights of the parents.

I served in the Pennsylvania legislature when we passed the parental consent laws for the purpose of keeping our young girls safe and under the consent of their parents. Yet abortion clinics in Pennsylvania's neighboring States, New Jersey and Maryland, seek to peddle their services through Pennsylvania newspapers and even to anyone who opens a Pennsylvania phone book.

By passing the Child Custody Protection Act this body will take a clear stand against the bizarre notion that the U.S. Constitution confers a right upon strangers to take one's minor daughter across State lines for a secret abortion, even when a State law specifically requires the involvement of a parent or judge in the daughter's abortion decision.

The Government should not allow our daughters' lives to be endangered by turning them over to strangers for serious medical procedures.

Let us protect States' rights. Let us protect parental authority. And most importantly, let us protect our Nation's young women. Let us pass the Child Custody Protection Act.

THE LAST THING AMERICA SHOULD DO IS GIVE MORE TAX DOLLARS TO RUSSIA AND CHINA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, since 1992, Russia has gotten $35 billion from the World Bank, the International Monetary Fund and foreign aid from the United States of America. And reports say, check this, not 1 penny of all those billions can be accounted for.

Now, if that is not enough to tax your vodka, the International Monetary Fund today is giving Russia another $22 billion, to which the White House said, "Russia needs the money, and this time they promise to behave." Promises, my ascot, Mr. Speaker. Russia promised before, and they sold missiles to our enemies. China gets all our cash, and they have nuclear warheads pointed at America.

Promises, promises, promises. My colleagues, the last thing America needs is to give more money to China and Russia, who are building armies with our tax dollars. But what do I know, I am still trying to figure out the Tax Code.

PRESIDENT ASKS AMERICA TO BLINDLY TRUST THE COMMUNIST CHINESE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the President is back from a $50 million trip to China and he said that the Chinese now plan to move their nuclear-tipped missiles away from American children and American cities. So why are Americans a little confused and scratching their heads over this? Well, because time and time again this President has guaranteed the American public that we were free from the threat of nuclear missile attack.

In fact, the White House web site says that the President has made this promise 131 times. And in at least a quarter of these speeches, he stated very clearly that no country anywhere was aiming nuclear missiles at Americans.

The President was not alone in his claim. It seems the Vice President, as well as former Secretary of Defense Perry, have made similar claims.

Here is another surprise. President Clinton never mentioned that both Russia and China are upgrading their nuclear missiles with U.S. help. He also failed to mention that the missiles can be retargeted in minutes.

Mr. Speaker, I am not sure when to believe this President. All I know is he is asking us to blindly trust the Chinese, and that worries all of us.

SUPPORT STATES' RIGHTS TO ENACT DEATH WITH DIGNITY LAWS

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, twice the voters of Oregon have gone to the ballot box to enact and uphold our Death With Dignity law. The Ninth Circuit Court, the Supreme Court, and most recently the Attorney General have upheld the right of the citizens of Oregon to enact a Death With Dignity law.

But now a group of our colleagues, working hand-in-glove with the same national special interest groups that opposed our ballot measure, have proposed Federal legislation to preempt our Death With Dignity law. Many of these same Members of Congress wax eloquent day after day on the floor of the House for States' rights. Yes, States' rights if it restricts a woman's right to choice. They are for States' rights if it shreds the social safety net. But if the people of Oregon want a Death With Dignity law, well, they are not for States' rights anymore. The Federal Government should preempt them.

This is not only an attack on our States' rights, it is an attempt to overturn the will of a majority of Oregonians with an unprecedented Federal intrusion into the doctor-patient relationship. It is no longer a doctor-patient relationship when we are dying, it is a doctor-patient and Drug Enforcement Administration official relationship. This will have an incredibly chilling effect on the end of life painfully provided by doctors. We must reject this proposal.

PRESIDENT'S TRIP TO CHINA SYMBOLIC OF MANY THINGS

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, the President just got back from his trip to

China, and I read in the newspaper while we were home for the break that this trip was symbolic. I began to think, what is it symbolic of?

I think it is symbolic, maybe, that the President told them "symbolically" that we do not care that they are building the biggest nuclear arsenal in the world; and we do not care that they are selling that technology to people around the world; and "symbolically" the President was also saying that we do not care that they are invading a little nation like Tibet, that never hurt anybody, and have occupied it for all these years; and "symbolically" he is saying that we do not care that they persecute people because of their faith and their beliefs and religion; and he is telling them "symbolically" that we do not care that they threatened Taiwan, that could not do them any damage, and that they even threatened the cities on the West Coast of the United States; and "symbolically" the President said, oh, it is okay that their army gave money to his reelection campaign.

And to show them "symbolically" that we do not mind any of this, we are going to give them some missile technology to help their intercontinental ballistic missiles function more appropriately.

The President must be proud of his symbolism.

SUPPORT PATIENT'S BILL OF RIGHTS

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I just got back from home as well, and what I heard is that the people really want us to give attention to the Patient's Bill of Rights. They want to be able to choose their own physicians. They feel legislation has been introduced and it is time for us to hear it on the floor so we can vote it. It is the number one concern throughout this country.

Patient care has totally left the hands of physicians and is in the hands of our insurance companies and our corporate leaders, who will not pay any more for coverage. It is time for us to address the issue, bring it to the floor, debate it and send it to the Senate. It is long past due. We have enough people to pass it, and I would simply call on our leadership to bring it to the floor.

SUPPORT SCHOOL CHOICE FOR THE DISTRICT OF COLUMBIA

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Mr. Speaker, children living in the District of Columbia deserve something they are not getting today: a quality education. The District of Columbia Control Board found "that the longer students stay in the District's public school system, the less likely they are to succeed."

In today's high-tech economy, our children simply cannot compete in life without a sound education. While Congress supports the efforts of General Becton, we must do more to give the children in the District of Columbia the opportunity for a quality education.

The D.C. School Choice bill would give low-income parents the freedom to choose the best schools for their children. When D.C. public schools compete for students, they will improve by necessity.

Mr. Speaker, the children of Washington deserve a chance to succeed in life. I urge my House colleagues to give them that chance by supporting school choice for the District of Columbia schools.

SUPPORT THE CHILD CUSTODY PROTECTION ACT

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, the American people may not all agree on the issue of abortion, but all Americans should agree that parents have a right to know when their children are having an abortion.

Should a person be able to take a minor girl across State lines to obtain an abortion without her parents knowing about it? Well, 85 percent of the American people say no.

Mr. Speaker, this is not merely a question for the pollsters, it is a question of propriety. Mothers need to know when their daughters are having an abortion. A family needs to know when their children are in trouble. It does no good to keep parents in the dark. Parents need to have the peace of mind to know what their children are doing, and they have the right to know when their daughters are having an abortion.

Mr. Speaker, the Constitution does not confer a right upon strangers to take children across State lines for secret abortions. I urge my colleagues to support the Child Custody Protection Act. It is the right thing to do for America's families.

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PHYSICIAN-ASSISTED SUICIDE

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute.)

Ms. HOOLEY of Oregon. Mr. Speaker, last year, after 3 years of intense debate and two separate ballot measures, the State of Oregon became the first State to implement a physician-assisted suicide law. This was not an easy decision for the people of my State. It was the subject of intense debate and media coverage, and the issue was so thorny that the legislature even decided to send it to the voters twice, and both times it was approved.

Despite this level of scrutiny in the State of Oregon, the Committee on the Judiciary will begin work today on a bill to overturn the Oregon law.

I came to the well today to say that I understand there are a number of Members of Congress who have very personal concerns about this issue. I have deep personal reservations about the concept of assisted suicide; and, as a private citizen, I voted against it at the ballot box and in this House of Representatives. I voted against Federal funding of assisted suicide.

But I understand this is not an issue about personal feelings. This is an issue about respecting the judgment of the voters of Oregon. This is about leaving Oregonians' business to Oregonians.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HAYWORTH). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules but not before 5 p.m. today.

NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 1997

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1273) to authorize appropriations for fiscal years 1998 and 1999 for the National Science Foundation, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Science Foundation Authorization Act of 1998".

SEC. 2. DEFINITIONS.

In this Act:

(1) DIRECTOR.—The term "Director" means the Director of the National Science Foundation established under section 2 of the National Science Foundation Act of 1950 (42 U.S.C. 1861).

(2) FOUNDATION.—The term "Foundation" means the National Science Foundation established under section 2 of the National Science Foundation Act of 1950 (42 U.S.C. 1861).

(3) BOARD.—The term "Board" means the National Science Board established under section 2

of the National Science Foundation Act of 1950 (42 U.S.C. 1861).

(4) UNITED STATES.—The term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(5) NATIONAL RESEARCH FACILITY.—The term "national research facility" means a research facility funded by the Foundation which is available, subject to appropriate policies allocating access, for use by all scientists and engineers affiliated with research institutions located in the United States.

TITLE I—NATIONAL SCIENCE FOUNDATION AUTHORIZATION

SEC. 101. FINDINGS; CORE STRATEGIES.

(a) FINDINGS.—Congress finds the following:

(1) The United States depends upon its scientific and technological capabilities to preserve the military and economic security of the United States.

(2) America's leadership in the global marketplace is dependent upon a strong commitment to education, basic research, and development.

(3) A nation that is not technologically literate cannot compete in the emerging global economy.

(4) A coordinated commitment to mathematics and science instruction at all levels of education is a necessary component of successful efforts to produce technologically literate citizens.

(5) Professional development is a necessary component of efforts to produce system wide improvements in mathematics, engineering, and science education in secondary, elementary, and postsecondary settings.

(6)(A) The mission of the National Science Foundation is to provide Federal support for basic scientific and engineering research, and to be a primary contributor to mathematics, science, and engineering education at academic institutions in the United States.

(B) In accordance with such mission, the long-term goals of the National Science Foundation include providing leadership to—

(i) enable the United States to maintain a position of world leadership in all aspects of science, mathematics, engineering, and technology;

(ii) promote the discovery, integration, dissemination, and application of new knowledge in service to society; and

(iii) achieve excellence in United States science, mathematics, engineering, and technology education at all levels.

(b) CORE STRATEGIES.—In carrying out activities designed to achieve the goals described in subsection (a), the Foundation shall use the following core strategies:

(1) Develop intellectual capital, both people and ideas, with particular emphasis on groups and regions that traditionally have not participated fully in science, mathematics, and engineering.

(2) Strengthen the scientific infrastructure by investing in facilities planning and modernization, instrument acquisition, instrument design and development, and shared-use research platforms.

(3) Integrate research and education through activities that emphasize and strengthen the natural connections between learning and inquiry.

(4) Promote partnerships with industry, elementary and secondary schools, community colleges, colleges and universities, other agencies, State and local governments, and other institutions involved in science, mathematics, and engineering to enhance the delivery of math and science education and improve the technological literacy of the citizens of the United States.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 1998.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $3,505,630,000 for fiscal year 1998.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $2,576,200,000 shall be made available to carry out Research and Related Activities, of which—

(i) $370,820,000 shall be made available for Biological Sciences;

(ii) $289,170,000 shall be made available for Computer and Information Science and Engineering;

(iii) $360,470,000 shall be made available for Engineering;

(iv) $455,110,000 shall be made available for Geosciences;

(v) $715,710,000 shall be made available for Mathematical and Physical Sciences;

(vi) $130,660,000 shall be made available for Social, Behavioral, and Economic Sciences, of which up to $1,000,000 may be made available for the United States-Mexico Foundation for Science;

(vii) $165,930,000 shall be made available for United States Polar Research Programs;

(viii) $62,600,000 shall be made available for United States Antarctic Logistical Support Activities;

(ix) $2,730,000 shall be made available for the Critical Technologies Institute; and

(x) $23,000,000 shall be made available for the Next Generation Internet program;

(B) $632,500,000 shall be made available to carry out Education and Human Resources Activities;

(C) $155,130,000 shall be made available for Major Research Equipment;

(D) $136,950,000 shall be made available for Salaries and Expenses; and

(E) $4,850,000 shall be made available for the Office of Inspector General.

(b) FISCAL YEAR 1999.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $3,773,000,000 for fiscal year 1999.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $2,846,800,000 shall be made available to carry out Research and Related Activities, of which—

(i) $417,820,000 shall be made available for Biological Sciences;

(ii) $331,140,000 shall be made available for Computer and Information Science and Engineering, including $25,000,000 for the Next Generation Internet program;

(iii) $400,550,000 shall be made available for Engineering;

(iv) $507,310,000 shall be made available for Geosciences;

(v) $792,030,000 shall be made available for Mathematical and Physical Sciences;

(vi) $150,260,000 shall be made available for Social, Behavioral, and Economic Sciences, of which up to $2,000,000 may be made available for the United States-Mexico Foundation for Science;

(vii) $182,360,000 shall be made available for United States Polar Research Programs;

(viii) $62,600,000 shall be made available for United States Antarctic Logistical Support Activities;

(ix) $2,730,000 shall be made available for the Critical Technologies Institute; and

(B) $683,000,000 shall be made available to carry out Education and Human Resources Activities;

(C) $94,000,000 shall be made available for Major Research Equipment;

(D) $144,000,000 shall be made available for Salaries and Expenses; and

(E) $5,200,000 shall be made available for the Office of Inspector General.

(c) FISCAL YEAR 2000.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $3,886,190,000 for fiscal year 2000.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $2,935,024,000 shall be made available to carry out Research and Related Activities, of which up to—

(i) $2,000,000 may be made available for the U.S.-Mexico Foundation for Science;

(ii) $25,000,000 may be made available for the Next Generation Internet program;

(B) $703,490,000 shall be made available to carry out Education and Human Resources Activities;

(C) $94,000,000 shall be made available for Major Research Equipment;

(D) $148,320,000 shall be made available for Salaries and Expenses; and

(E) $5,356,000 shall be made available for the Office of Inspector General.

SEC. 103. PROPORTIONAL REDUCTION OF RESEARCH AND RELATED ACTIVITIES AMOUNTS.

If the amount appropriated pursuant to section 102(a)(2)(A) or (b)(2)(A) is less than the amount authorized under that paragraph, the amount available for each scientific directorate under that paragraph shall be reduced by the same proportion.

SEC. 104. CONSULTATION AND REPRESENTATION EXPENSES.

From appropriations made under authorizations provided in this Act, not more than $10,000 may be used in each fiscal year for official consultation, representation, or other extraordinary expenses. The Director shall have the discretion to determine the expenses (as described in this section) for which the funds described in this section shall be used. Such a determination by the Director shall be final and binding on the accounting officers of the Federal Government.

SEC. 105. UNITED STATES MAN AND THE BIOSPHERE PROGRAM LIMITATION.

No funds appropriated pursuant to this Act shall be used for the United States Man and the Biosphere Program, or related projects.

TITLE II—GENERAL PROVISIONS

SEC. 201. NATIONAL RESEARCH FACILITIES.

(a) FACILITIES PLAN.—

(1) IN GENERAL.—Not later than December 1, of each year, the Director shall, as part of the annual budget request, prepare and submit to Congress a plan for the proposed construction of, and repair and upgrades to, national research facilities.

(2) CONTENTS OF THE PLAN.—The plan shall include—

(A) estimates of the costs for the construction, repairs, and upgrades described in paragraph (1);

(B) estimates of the costs for the operation and maintenance of existing and proposed new facilities; and

(C) in the case of proposed new construction and for major upgrades to existing facilities, funding profiles, by fiscal year, and milestones for major phases of the construction.

(3) SPECIAL RULE.—The plan shall include cost estimates in the categories of construction, repair, and upgrades—

(A) for the year in which the plan is submitted to Congress; and

(B) for not fewer than the succeeding 4 years.

(b) STATUS OF FACILITIES UNDER CONSTRUCTION.—The plan required under subsection (a) shall include a status report for each uncompleted construction project included in current and previous plans. The status report shall include data on cumulative construction costs by project compared with estimated costs,

and shall compare the current and original schedules for achievement of milestones for the major phases of the construction.

SEC. 202. ADMINISTRATIVE AMENDMENTS.

(a) NATIONAL SCIENCE FOUNDATION ACT OF 1950 AMENDMENTS.—The National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.) is amended—

(1) in section 4(g) (42 U.S.C. 1863(g))—

(A) by striking "the appropriate rate provided for individuals in grade GS–18 of the General Schedule under section 5332" and inserting "the maximum rate payable under section 5376"; and

(B) by redesignating the second subsection (k) as subsection (l);

(2) in section 5(e) (42 U.S.C. 1864(e)) by striking paragraph (2), and inserting the following:

"(2) Any delegation of authority or imposition of conditions under paragraph (1) shall be promptly published in the Federal Register and reported to the Committee on Labor and Human Resources, and the Committee on Commerce, Science, and Transportation, of the Senate and the Committee on Science of the House of Representatives.";

(3) in section 14(c) (42 U.S.C. 1873(c))—

(A) by striking "shall receive" and inserting "shall be entitled to receive";

(B) by striking "the rate specified for the daily rate for GS–18 of the General Schedule under section 5332" and inserting "the maximum rate payable under section 5376"; and

(C) by adding at the end the following: "For the purposes of determining the payment of compensation under this subsection, the time spent in travel by any member of the Board or any member of a special commission shall be deemed as time engaged in the business of the Foundation. Members of the Board and members of special commissions may waive compensation and reimbursement for traveling expenses."; and

(4) in section 15(a) (42 U.S.C. 1874(a)), by striking "Atomic Energy Commission" and inserting "Secretary of Energy".

(b) NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT, 1976 AMENDMENTS.—Section 6(a) of the National Science Foundation Authorization Act, 1976 (42 U.S.C. 1881a(a)) is amended by striking "social," the first place it appears.

(c) NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 1988 AMENDMENTS.—Section 117(a) of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1881b(a)) is amended—

(1) by striking paragraph (1)(B)(v) and inserting the following:

"(v) from schools established outside the several States and the District of Columbia by any agency of the Federal Government for dependents of the employees of such agency."; and

(2) in paragraph (3)(A) by striking "Science and Engineering Education" and inserting "Education and Human Resources".

(d) SCIENCE AND ENGINEERING EQUAL OPPORTUNITIES ACT AMENDMENTS.—The Science and Engineering Equal Opportunities Act (42 U.S.C. 1885 et seq.) is amended—

(1) in section 34 (42 U.S.C. 1885b)—

(A) by striking the section heading and inserting the following:

"PARTICIPATION IN SCIENCE AND ENGINEERING OF MINORITIES AND PERSONS WITH DISABILITIES";

and

(B) by striking subsection (b) and inserting the following:

"(b) The Foundation is authorized to undertake or support programs and activities to encourage the participation of persons with disabilities in the science and engineering professions."; and

(2) in section 36 (42 U.S.C. 1885c)—

(A) in subsection (a), by striking "minorities," and all that follows through "in scientific" and inserting "minorities, and persons with disabilities in scientific";

(B) in subsection (b)—

(i) by striking "with the concurrence of the National Science Board"; and

(ii) by striking the second sentence and inserting the following: "In addition, the Chairman of the National Science Board may designate a member of the Board as a member of the Committee.";

(C) by striking subsections (c) and (d);

(D) by inserting after subsection (b) the following:

"(c) The Committee shall be responsible for reviewing and evaluating all Foundation matters relating to opportunities for the participation in, and the advancement of, women, minorities, and persons with disabilities in education, training, and science and engineering research programs.";

(E) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively; and

(F) in subsection (d), as so redesignated by subparagraph (E), by striking "additional".

(e) TECHNICAL AMENDMENT.—The second subsection (g) of section 3 of the National Science Foundation Act of 1950 is repealed.

SEC. 203. INDIRECT COSTS.

(a) MATCHING FUNDS.—Matching funds required pursuant to section 204(a)(2)(C) of the Academic Research Facilities Modernization Act of 1988 (42 U.S.C. 1862c(a)(2)(C)) shall not be considered facilities costs for purposes of determining indirect cost rates under Office of Management and Budget Circular A–21.

(b) REPORT.—

(1) IN GENERAL.—The Director of the Office of Science and Technology Policy, in consultation with other Federal agencies the Director deems appropriate, shall prepare a report—

(A) analyzing the Federal indirect cost reimbursement rates (as the term is defined in Office of Management and Budget Circular A–21) paid to universities in comparison with Federal indirect cost reimbursement rates paid to other entities, such as industry, government laboratories, research hospitals, and nonprofit institutions;

(B)(i) analyzing the distribution of the Federal indirect cost reimbursement rates by category (such as administration, facilities, utilities, and libraries), and by the type of entity; and

(ii) determining what factors, including the type of research, influence the distribution;

(C) analyzing the impact, if any, that changes in Office of Management and Budget Circular A–21 have had on—

(i) the Federal indirect cost reimbursement rates, the rate of change of the Federal indirect cost reimbursement rates, the distribution by category of the Federal indirect cost reimbursement rates, and the distribution by type of entity of the Federal indirect cost reimbursement rates; and

(ii) the Federal indirect cost reimbursement (as calculated in accordance with Office of Management and Budget Circular A–21), the rate of change of the Federal indirect cost reimbursement, the distribution by category of the Federal indirect cost reimbursement, and the distribution by type of entity of the Federal indirect cost reimbursement;

(D) analyzing the impact, if any, of Federal and State law on the Federal indirect cost reimbursement rates;

(E)(i) analyzing options to reduce or control the rate of growth of the Federal indirect cost reimbursement rates, including options such as benchmarking of facilities and equipment cost, elimination of cost studies, mandated percentage reductions in the Federal indirect cost reimbursement; and

(ii) assessing the benefits and burdens of the options to the Federal Government, research institutions, and researchers; and

(F) analyzing options for creating a database—

(i) for tracking the Federal indirect cost reimbursement rates and the Federal indirect cost reimbursement; and

(ii) for analyzing the impact that changes in policies with respect to Federal indirect cost reimbursement will have on the Federal Government, researchers, and research institutions.

(2) REPORT TO CONGRESS.—The report prepared under paragraph (1) shall be submitted to Congress not later than 1 year after the date of enactment of this Act.

SEC. 204. FINANCIAL DISCLOSURE.

Persons temporarily employed by or at the Foundation shall be subject to the same financial disclosure requirements and related sanctions under the Ethics in Government Act of 1978 (5 U.S.C. App.) as are permanent employees of the Foundation in equivalent positions.

SEC. 205. NOTICE.

(a) NOTICE OF REPROGRAMMING.—If any funds appropriated pursuant to the amendments made by this Act are subject to a reprogramming action that requires notice to be provided to the Committees on Appropriations of the Senate and the House of Representatives, notice of that action shall concurrently be provided to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Labor and Human Resources of the Senate, and the Committee on Science of the House of Representatives.

(b) NOTICE OF REORGANIZATION.—Not later than 15 days before any major reorganization of any program, project, or activity of the National Science Foundation, the Director of the National Science Foundation shall provide notice to the Committees on Science and Appropriations of the House of Representatives and the Committees on Commerce, Science and Transportation, Labor and Human Resources of the Senate, and Appropriations of the Senate.

SEC. 206. ENHANCEMENT OF SCIENCE AND MATHEMATICS PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) EDUCATIONALLY USEFUL FEDERAL EQUIPMENT.—The term "educationally useful Federal equipment" means computers and related peripheral tools and research equipment that is appropriate for use in schools.

(2) SCHOOL.—The term "school" means a public or private educational institution that serves any of the grades of kindergarten through grade 12.

(b) SENSE OF CONGRESS.—

(1) IN GENERAL.—It is the sense of the Congress that the Director should, to the greatest extent practicable and in a manner consistent with applicable Federal law (including Executive Order No. 12999), donate educationally useful Federal equipment to schools in order to enhance the science and mathematics programs of those schools.

(2) REPORTS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Director shall prepare and submit to the President a report that meets the requirements of this paragraph. The President shall submit that report to Congress at the same time as the President submits a budget request to Congress under section 1105(a) of title 31, United States Code.

(B) CONTENTS OF REPORT.—The report prepared by the Director under this paragraph shall describe any donations of educationally useful Federal equipment to schools made during the period covered by the report.

SEC. 207. REPORT ON RESERVIST EDUCATION ISSUES.

(a) CONVENING APPROPRIATE REPRESENTATIVES.—The Director of the National Science Foundation, with the assistance of the Office of Science and Technology Policy, shall convene appropriate officials of the Federal Government

and appropriate representatives of the postsecondary education community and of members of reserve components of the Armed Forces for the purpose of discussing and seeking a consensus on the appropriate resolution to problems relating to the academic standing and financial responsibilities of postsecondary students called or ordered to active duty in the Armed Forces.

(b) REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Director of the National Science Foundation shall transmit to the Congress a report summarizing the results of the convening individuals under subsection (a), including any consensus recommendations resulting therefrom as well as any significant opinions expressed by each participant that are not incorporated in such a consensus recommendation.

SEC. 208. SCIENCE AND TECHNOLOGY POLICY INSTITUTE.

(a) AMENDMENT.—Section 822 of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 6686) is amended—

(1) by striking "Critical Technologies Institute" in the section heading and in subsection (a), and inserting in lieu thereof "Science and Technology Policy Institute";

(2) in subsection (b) by striking "As determined by the chairman of the committee referred to in subsection (c), the" and inserting in lieu thereof "The";

(3) by striking subsection (c), and redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f), respectively;

(4) in subsection (c), as so redesignated by paragraph (3) of this subsection—

(A) by inserting "science and" after "developments and trends in" in paragraph (1);

(B) by striking "with particular emphasis on" in paragraph (1) and inserting "including";

(C) by inserting "and developing and maintaining relevant informational and analytical tools" before the period at the end of paragraph (1);

(D) by striking "to determine" and all that follows through "technology policies" in paragraph (2) and inserting "with particular attention to the scope and content of the Federal science and technology research and development portfolio as it affects interagency and national issues";

(E) by amending paragraph (3) to read as follows:

"(3) Initiation of studies and analysis of alternatives available for ensuring the long-term strength of the United States in the development and application of science and technology, including appropriate roles for the Federal Government, State governments, private industry, and institutions of higher education in the development and application of science and technology.";

(F) by inserting "science and" after "Executive branch on" in paragraph (4)(A); and

(G) by amending paragraph (4)(B) to read as follows:

"(B) to the interagency committees and panels of the Federal Government concerned with science and technology.";

(5) by striking "subsection (d)" in subsection (d), as redesignated by paragraph (3) of this subsection, and inserting in lieu thereof "subsection (c)";

(6) by striking "Committee" in each place it appears in subsection (e), as redesignated by paragraph (3) of this subsection, and inserting "Institute";

(7) by striking "subsection (d)" in subsection (f), as redesignated by paragraph (3) of this subsection, and inserting in lieu thereof "subsection (c)"; and

(8) by striking "Chairman of Committee" each place it appears in subsection (f), as designated by paragraph (3) of this subsection, and inserting "Director of Office of Science and Technology Policy".

(b) CONFORMING USAGE.—All references in Federal law or regulations to the Critical Technologies Institute shall be considered to be references to the Science and Technology Policy Institute.

SEC. 209. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.

With the year 2000 fast approaching, it is the sense of Congress that the Foundation should—

(1) give high priority to correcting all 2-digit date-related problems in its computer systems to ensure that those systems continue to operate effectively in the year 2000 and beyond;

(2) assess immediately the extent of the risk to the operations of the Foundation posed by the problems referred to in paragraph (1), and plan and budget for achieving Year 2000 compliance for all of its mission-critical systems; and

(3) develop contingency plans for those systems that the Foundation is unable to correct in time.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

(Mr. SENSENBRENNER asked and was given permission to revise and extend his remarks.)

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1273, the National Science Foundation Authorization Act of 1998 and 1999, authorizes the Foundation's programs for fiscal years 1998, 1999, and 2000. This is a noncontroversial bill that was favorably reported by voice vote by the Committee on Science on April 16, 1997, and later passed the full House under suspension of the rules on April 24, 1997. The present version of H.R. 1273 is the product of negotiations with the Senate, which passed the bill on a vote of 99–0 on May 12, 1998.

The National Science Foundation provides funding to over 19,000 research and education projects in science and engineering annually. It does this through competitive grants and cooperative agreements to more than 2,000 colleges, universities, K–12 schools, businesses, and other research institutions in all parts of the United States. Although the Foundation's budget represents only 4 percent of Federal research and development funding, the Foundation accounts for more than 25 percent of Federal support to academic institutions for basic research.

This 3-year authorization improves our investment in America by strengthening our commitment to basic research. It authorizes $3.5 billion for fiscal year 1998, $3.8 billion for fiscal year 1999, and nearly $3.9 billion for fiscal year 2000. The bill received bipartisan support in the Committee on Science and demonstrates the Committee's belief that the support of basic research will help America maintain its lead in cutting-edge science and engineering. It is the kinds of research that the NSF funds through which we will make the fundamental discoveries which will become the economic drivers of the 21st century.

The Research and Related Activities account is NSF's primary account and provides the resources for a broad portfolio of science and engineering activities. For fiscal year 1999, H.R. 1273 provides for $2.57 billion for this account, a 10-percent increase over 1998. For fiscal year 2000, the bill provides a further $2.9 billion.

This legislation also follows through on the Committee on Science's commitment to improve math and science education. H.R. 1273 authorizes $632 million for Fiscal Year 1998, $683 million for Fiscal Year 1999, and $703 million for Fiscal Year 2000 for NSF's Education and Human Resources Directorate, which funds education programs. To hold down administrative costs, the bill holds the salaries and expense account of NSF to approximately 2 percent growth in Fiscal Years 1998, 1999, and 2000.

I want to take a moment to thank the acting chairman of the Subcommittee on Basic Research, the gentleman from Mississippi (Mr. PICKERING); the former ranking minority member of the subcommittee, the gentleman from Michigan (Mr. BARCIA); and the current ranking minority member, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON); and the ranking minority member of the full committee, the gentleman from California (Mr. BROWN), for their efforts and support in crafting a truly bipartisan bill.

Before closing, I would like to express my appreciation and respect for all the hard work performed on this bill by the late former chairman of the Subcommittee on Basic Research, Congressman Steve Schiff, who passed away earlier this year.

H.R. 1273 is the product of Mr. Schiff's dedication to improving America's scientific and technological prowess. Steve was a true patriot who served our country both as an elected official and as a member of the Armed Forces. As this bill demonstrates, Steve Schiff was also an excellent legislator. The Committee on Science and the whole Congress will miss his intelligence, wit, and his diligence.

I believe that H.R. 1237 is an outstanding bill and urge all Members on both sides of the aisle to support it.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1273, which authorizes the programs of the National Science Foundation through Fiscal Year 2000.

Mr. Speaker, the National Science Foundation is the only Federal agency

with the sole mission to support basic research and engineering research and education in the Nation's schools, colleges, and universities. It signals strong support for the key role of the Foundation in developing and sustaining the academic research enterprise of the Nation. It is consistent with the importance of scientific and engineering research and education as a public investment that contributes to the Nation's economic strength and to the well-being of our citizens.

The National Science Foundation programs support research in science and engineering, the operation of national research facilities, the acquisition of state-of-the-art scientific instruments, and science education at all levels of instruction. These wide-ranging activities underpin the technological strength of the Nation through both the generation of new knowledge and the education of scientists and engineers. Moreover, through its initiatives in K–12 science education, the National Science Foundation contributes to the important goal of improving the level of science literacy for all citizens.

In light of the National Science Foundation's important role, I am pleased that H.R. 1273 endorses the President's request for a 10-percent budget increase for Fiscal Year 1999 and growth above inflation for Fiscal Year 2000. This funding level would provide real growth for sustaining the Foundation's core research activities in the major science and engineering disciplines which support individual investigators and interdisciplinary research teams.

In addition, H.R. 1273 will allow the Foundation to pursue new initiatives in such areas as knowledge and distributed intelligence and the complex interdependencies among living organisms and the environments that affect and are affected by them.

In terms of sustaining the human resource base for research in the Nation's colleges and universities, H.R. 1273 will provide support for nearly 27,000 senior scientists, 5,500 postdoctoral researchers, and over 21,000 graduate students.

Mr. Speaker, the research investments made by the Foundation generate the new knowledge that fuels the Nation's technological innovation and, consequently, our economic strength of the future. I would like to describe some recent examples that show the breadth and potential technological value of results from the Foundation's sponsored research.

The Foundation-supported scientists are participating in the sequencing of the genome for a model flowering plant. A coordinated network of databases has been established to facilitate study of the sequence information. Discoveries to date have included understanding of how to reduce polyunsaturation in seed oils and how to produce biodegradable plastic in crop plants.

Researchers at MIT recently created the first atomic laser, a device that creates coherence among atoms, much like the photons in a light laser. This allows the control group of atoms which can be focused to a point or moved over large distances without spreading out. Atomic lasers may one day be used to fabricate extremely small electronic components that will form the basis for highly efficient navigation and communication devices.

Forecasting techniques for tornadoes and severe thunderstorms currently can provide only 30 minutes' warning. Researchers at the University of the Oklahoma have now developed a computer model that has for the first time successfully predicted the location and structure of individual storms up to 6 hours in advance before the storms had begun to form. This forecasting tool has great promise for providing protection for lives and families.

National Science Foundation support for a wide range of research has led to new ways to exploit the physical, chemical, and biological properties of small groups of molecules. The discovery of novel phenomena and processes at this so-called "nano" scale have led to minuscule transistors that use less energy; tiny medical probes that will not damage tissue; improved computer disk-drive heads to boost data storage density; and new ceramic, polymer and other materials with special properties.

In addition to supporting basic research, the National Science Foundation's programs help to educate the next generation of scientists, engineers and technicians, and improve science education for all K–12 students. These outcomes are achieved through a wide range of activities, including graduate student support, research experiences for undergraduates, development of curricular materials for science courses at all levels of instruction, development of educational applications of computer and communication technologies, and in-service training for K–12 teachers.

The goals of the Foundation's effort to heighten the achievement of all students in science and math are particularly important. The approach now being emphasized has been through partnerships that the Foundation has instituted with States and local school systems to reform math and science instruction and to provide opportunities for professional development of teachers.

I believe that the National Science Foundation Urban Systemic Initiative is particularly important in that it focuses on inner city school systems, which often have low levels of student performance in science and math.

Finally, the bill provides for several national research facility construction projects. In accordance with the recommendation of a distinguished panel of experts that review the facilities needs of the U.S. Antarctic Program, it authorizes the replacement of South Pole Station and needed upgrades at other Antarctic stations. These facility upgrades are needed to ensure that U.S. facilities in Antarctica are capable of supporting the most advanced research and can provide adequate safety for the scientists and support staff who must function in this hostile environment.

H.R. 1237 will provide funding to complete other research facility construction projects and to initiate new projects, including the Polar Cap Observatory and detectors for the Large Hadron Collider. The bill also puts in place new reporting requirements to improve congressional oversight of such construction projects.

I want to acknowledge the role of our former colleague, the late Representative Steve Schiff, the former chairman of the Subcommittee on Basic Research, for his efforts during the first session of this Congress to develop H.R. 1273 in a spirit of cooperation. And I also want to commend the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on Science; and the gentleman from California (Mr. BROWN), the ranking Democratic Member, for their leadership in this important legislation.

Mr. Speaker, I fully support H.R. 1273 and urge its approval by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Mississippi (Mr. PICKERING), who is the acting chair of the Subcommittee on Basic Research.

Mr. PICKERING. Mr. Speaker, I want to commend the leadership and work of the gentleman from Wisconsin (Mr. SENSENBRENNER) on this very important legislation. I rise to say a few words in support of H.R. 1273, the National Science Foundation Authorization Act of 1998.

Mr. Speaker, H.R. 1273 authorizes the Foundation's programs for Fiscal Years 1998, 1999, and 2000. It authorizes over $11 billion for fundamental scientific research over the next 3 years.

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It is a bipartisan bill, and I urge all of the Members to support it.

For the past few months I have had the privilege of serving as the acting chairman for the Committee on Science's Subcommittee on Basic Research. It has been a tremendous experience, but I cannot take credit for this bill. This is Steve Schiff's authorization bill.

Mr. Speaker, I learned a great deal from the chairman of our subcommittee, and I think many of Steve Schiff's priorities can be seen in H.R. 1273. I just wanted to take a moment to

recognize Congressman Schiff for the work he did and, more importantly, for the values for which he stood. I would also like to thank our chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER) again for giving me the opportunity of leading the subcommittee as its acting chairman.

In April of this year at a subcommittee hearing the Director of the National Science Foundation stated that 50 percent of our country's economic growth in the last 50 years has come from technological innovation and the science that supports it. That is why we fund the National Science Foundation. We understand that our Nation's economic strength 25 years from now depends on our support for science and technology today.

The strong bipartisan support for H.R. 1273 demonstrates that this Congress understands and respects the role of the scientist in our society. We may not see them in action, but whether it is the growth of the Internet or the latest medical breakthrough, we see the results.

In my home State of Mississippi NSF has played an important role in the development of remote sensing in developing the next generation Internet and that our three supercomputing research centers through NSF's EPSCoR Program, the Mississippi Research Consortium, made up of the University of Mississippi, Mississippi State University, Jackson State University and the University of Southern Mississippi has done great work in areas as diverse as manufacturing polymers, to producing new technology for agricultural products, to cutting edge areas such as artificial intelligence. Again, we may not see the scientists in action, but eventually we see their results in our daily lives.

Through this bill and through the scientific research and science education program supported by the NSF, we demonstrate our commitment to advancing science and improving science and math education not just in theory, but in the classroom. We show our commitment to using biology and chemistry not only to improve our own lives, but also to improve our understanding of the world around us as we show our commitment to the next generation of Americans by assuring that our children will enjoy the economic prosperity that is produced by long-term dedication to science.

Mr. Speaker, the National Science Foundation does great work. This is an excellent bill, and I urge all Members to support it.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, I thank the gentlewoman from Texas for yielding this time to me.

Mr. Speaker, I want to express my enthusiastic support for the legislation before us today. The National Science Foundation is our main agency for strengthening our country in science and mathematics and technology, from investing in the training of teachers in math and science, to promoting outreach programs at our museums and supporting path-breaking research at our colleges and universities.

The impact of the National Science Foundation is particularly evident in my district in North Carolina. In the last fiscal year more than 350 NSF-sponsored grants were awarded to residents of the Research Triangle counties of North Carolina. Duke, North Carolina and North Carolina State Universities each received more than $11 million for their researchers, and together they were awarded $44 million for projects selected on their merits, for their scientific excellence and for their contribution to the national interest.

The National Science Foundation, for example, has helped fund Duke University research at Cape Hatteras on North Carolina's Outer Banks, has helped fund new laser-scanning technology at the University of North Carolina, and has supported a program widening educational opportunities for rural middle school students in conjunction with North Carolina State University.

I am also particularly proud that the Advanced Technological Education Program, a program launched through legislation that I initiated 6 years ago, is included in this legislation. The Advanced Technological Education Program has allowed NSF to become more involved with the community colleges in our country, helping our 2-year schools improve their science and math and technology education programs.

ATE creates a partnership between NSF and the community colleges similar to the one that has long been available to 4-year institutions, to develop improved curricula and teaching methods and to upgrade this country's advanced technology training programs, training at the level most of our new good jobs require.

As our country's educational needs continue to evolve, the role of 2-year institutions will increase. Quick training and retooling of our work force will be vital as we move toward a competitive global economy, and the ATE program will help ensure that our educational institutions and our students can meet this challenge.

Mr. Speaker, I urge my colleagues to support this legislation.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. BROWN) our distinguished ranking member of the full committee.

Mr. BROWN of California. Mr. Speaker, I will not take 5 minutes, but I do wish to make a brief statement that will hopefully supplement the already excellent statements made by all of my colleagues on both sides of the aisle. I would point out that the National Science Foundation with its programs for support of basic research and education and science and engineering has long enjoyed the bipartisan support of Congress. This bill, by providing for continued growth will help ensure that the Foundation can continue to fulfill that role.

TRIBUTE TO DR. NEAL LANE

Mr. Speaker, I would like to take a moment to recognize the contributions of the outgoing NSF Director, Dr. Neal Lane. Dr. Lane, who has served as director since 1993, will soon leave to become the President's science advisor and head of the Office of Science and Technology Policy.

During his tenure at NSF, Dr. Lane has provided strong leadership and has made noteworthy contributions to the Foundation's effectiveness. He has worked to improve the process by which priorities are established for NSF's major activities and to identify promising cross-disciplinary research programs. In addition, he has maintained a wide ranging portfolio of programs to strengthen science and engineering education in the Nation's schools and institutions of higher education.

Dr. Lane recognized early on how the new computer and information-driven world would enable new ways to conduct research and would establish new skill requirements for the future workforce. The Knowledge and Distributed Intelligence initiative launched under his stewardship will lead to Foundation-wide activities focused on improving ways to discover, collect, represent, transmit, and apply information.

Similarly, Dr. Lane applied information technology to streamline the internal operations of NSF itself. He led the reengineering of the major business transactions between NSF and the research community, replacing paper-based processes with simpler, more efficient electronic transactions using the Internet. Today, more than 80 percent of all NSF funding is accomplished by electronic means.

Also, Dr. Lane is to be commended for assuming the role of a vocal champion for U.S. leadership in science and engineering research and for his efforts in challenging the research community to see its responsibilities in the larger context of societal values and needs. He has encouraged scientists and engineers to communicate more effectively with the public, which will help to make science more accessible to everyone.

Dr. Lane has left a lasting imprint at NSF, and he will be missed. I wish him well as he assumes his new responsibilities in the White House for the Nation's research and development enterprise.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Speaker, I thank the gentleman from Wisconsin for yielding this time to me.

I rise not so much in opposition to this authorization, but frankly against the appropriation which will come

later this week, because it seems to me that last year on this House floor, when the gentleman from California (Mr. LEWIS) and the gentleman from Missouri (Mr. CLAY) offered an amendment to cut $174,000 out of the bill which at that time would have studied the reasons people do not run for elected office, of which I assume there are many. Basically what they are trying to signal to the Science Foundation was that we need a tighter grip on the way they spend money; that when people back home think about spending a dollar, they really run through a lot of priorities, and they run through a lot of interests that they have before they decide on actually spending that dollar, and that this organization ought to do the same. And so I rise to, in essence, follow up on what they tried to do last year in sending a message on the importance of sharpening a pencil, because when I look at the grants that have come since then, and there are a list of several that have come since then; I look here at, as my colleagues know, $210,000 to study ATMs, I look at $17,000 to study interactive video-on-demand services for popular videos, I look at $220,000 to look at why women smile more than men, and I guess there are many reasons there. As my colleagues know, $193,000 to study collaborative activity on poker, or $147,000, and I cannot quite figure out what this means, but to study how globalization has transformed legal consciousness and personal injury in Thailand, or $334,000 to study methods for routing pick-up and delivery vehicles in real time, or finally, $12,000 to study cheap talk.

I look at again a little bit more in the way of pencil sharpening that it seems to me that needs to be done, that we do have a duty, if my colleagues will, to authorize the study of basic sciences in this country, but we also have a duty to watch out for the taxpayer, and that is why later in this week I will be offering an amendment in the appropriations bill to tighten the pencil a little bit because it seems to me that some of this at minimum could be done by the private sector.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentlewoman from Michigan (Ms. STABENOW).

Ms. STABENOW. Mr. Speaker, it is my pleasure today to rise in strong support of this authorization bill for the National Science Foundation, to commend the Chair and ranking members of the committee and the subcommittee for their very, very important work. I cannot think of a more important subject for the Federal Government to be involved in than basic research and the development of technology for the future as it relates to jobs, our ability to compete in a world economy. The kinds of focuses by the National Science Foundation are critical to the quality of life of my constituents and all of the families of America. I commend them for their work.

Mr. Speaker, I commend universities in my district: the Michigan State University efforts, University of Michigan research efforts, that were continually in partnership with NSF to promote the quality of life through research that we need to be promoting across this country.

It is also important, as we all know, to focus on our future scientists by promoting quality math and science education, encouraging both boys and girls to be focused and to pick math and science education as future endeavors. As part of that, it is important that we make sure our schools are equipped with technology and the research equipment that they need so that we can excite young people about science and involve them in the future of math and science, and I want to particularly point out to my colleagues a section of the bill that I think is important in making sure our schools have that kind of equipment and the kind of computers that they need.

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I am very pleased to commend the committee for putting into the bill section 206, which provides an encouragement to NSF to donate surplus computers and research equipment to our schools.

I would just speak to the fact that I have been involved in the last year and a half in providing wiring through the Internet. We have wired almost 50 schools in my district through volunteer efforts to the Internet, and we have seen one school in my district, Lansing Sexton High School, that has benefited directly from this kind of a donation from the Federal Government. The EPA provided enough computers, and very high-quality computers, to Lansing Sexton to equip an entire computer lab. We now have young people, with wiring done through our Net Day and the computers donated through EPA, who are able to work on sophisticated equipment and be learning more about math and science and technology as a result of that partnership.

I would encourage NSF as we pass this authorization to work with us to provide that kind of equipment to our schools as we look for ways to join together to encourage math and science education for the future and make sure that our children have the kind of technology that they need in the classroom to be prepared.

This bill is about basic research, it is about developing technology, it is about at the same time a focus on our future children and developing the skills in math and science that are so critical. I commend the committee and urge its adoption.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I, too, would like to thank the committee and as well thank Dr. Lane for his outstanding leadership of the National Science Foundation and to congratulate him as he embarks on his new opportunity as adviser to the President on science.

I also rise in support of this bill, which authorizes funds for the National Science Foundation through the year 2000. The National Science Foundation provides this Nation with the tools to remain a superpower in a world where technology remains supreme. It helps develop new technologies, not only on its own, but also through its partnerships with other government agencies, like NASA, and as well educational institutions and private institutions. I am likewise proud of my locally-based institutions, like the University of Houston, the Texas Medical Center, Texas Southern University, Houston Baptist College, the Houston Community College, Rice University, and many, many others that have embellished and bolstered their own science interests and activity.

Additionally, let me acknowledge Dr. Joshua Hill of Texas Southern University, who, as we speak, is conducting a science program with high school students.

The National Science Foundation is largely responsible for many of the scientific breakthroughs that we currently enjoy in this country. In fact, many of our more important scientific achievements started with either an experiment in an NSF lab or with an NSF grant to a university or a private corporation.

When this bill was in markup, I am very delighted that my colleagues joined me as I amended this particular legislation to provide for a provision which asked the Federal Government to do what it can to help educate our children. Section 206 is a simple process, but through this simple act it encourages the NSF to donate used computer research equipment to needy school children. I can assure you that many around this country are anxiously waiting for this legislation to pass so this wonderful partnership can be established.

I feel it is a simple solution to a complex problem, the underdevelopment of our public school computer and technology infrastructure. We cannot expect our children to be prepared for the next millennium if we do not have the right equipment to learn on.

Mr. Speaker, trying to teach children computer science without the benefit of a computer is like trying to teach English to children with the benefit of vocabulary or books. We must do our

part to ensure that our children have the opportunity to learn, especially in the areas of math and science.

This year in the House Committee on Science we have heard a myriad of testimony during such hearings regarding the undereducation of our children in the hard sciences. In fact, it has been disappointing that we have not gotten our hands around that issue, and we must, in order to be competitive, work on getting our children to that competitive level.

It has gotten to the point that the media fails to report scientific breakthroughs, and we discussed that, not because of lack of public interest, but often because they feel that the general public will not understand the scientific achievement and what it means to them. This I think is something we cannot stand for, Mr. Speaker, and I would hope that this Congress would very quickly and efficiently pass this legislation and move our children along to the 21st Century.

Mr. Speaker, I rise to speak on behalf of this bill, which authorized funds for the National Science Foundation through the year 2000.

The National Science Foundation (NSF) provides this Nation with the tools to remain a superpower in a world where technology remains supreme. It helps develop new technologies, not only on its own, but also through its partnerships with other government agencies, like NASA, and with private institutions.

The NSF is largely responsible for many of the scientific breakthroughs that we currently enjoy in this country. In fact, many of our more important scientific achievements started either with an experiment in a NSF lab, or with a NSF grant to a university or private corporation.

When this bill was in markup, I was able to amend it to include a provision which asks the Federal government to do what it can to help educate our children, in this case, through the simple act of donating used computer and research equipment to needy schoolchildren.

I feel it is a simple solution to a complex problem, the under-development of our public school computer and technology infrastructure. We cannot expect our children to be prepared for the next millennium if they do not have the right equipment to learn on. Ladies and gentlemen, trying to teach children computer science without the benefit of a computer is like trying to teach English to children without books—utterly impossible.

We must do our part to ensure that our children have the opportunity to learn, especially in the areas of math and science. This year in the House Science Committee, we have heard a myriad of testimony during hearings regarding the under-education of our youth in the hard science. It has gotten to the point that the media fail to report scientific breakthroughs, not because of lack of public interest, but often because they do not feel that the general public will understand the scientific achievement and what it means to them. That is shameful. If this Nation intends to remain a world leader, we must do out part to educate our children in the ways of the future.

Here in Congress, we have worked long and hard to rectify this problem. We have sought to increase funding for education. We have tried to provide targeted discounts to schools and libraries so that they can get on the Internet. Those initiatives are controversial, but this provision is not. Its costs are low, and its benefits high. In short, this is "good legislation".

I encourage you all to vote for this authorization, and invest in our future generations.

Mr. SENSENBRENNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate amendment to H.R. 1273.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate amendment to H.R. 1273.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

TECHNOLOGY TRANSFER COMMERCIALIZATION ACT OF 1998

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2544) to improve the ability of Federal agencies to license federally owned inventions, as amended.

The Clerk read as follows:

H.R. 2544

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Technology Transfer Commercialization Act of 1998".

SEC. 2. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

Section 12(b)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(b)(1)) is amended by inserting "or, subject to section 209 of title 35, United States Code, may grant a license to an invention which is federally owned, made before the granting of the license, and directly related to the scope of the work under the agreement," after "under the agreement,".

SEC. 3. LICENSING FEDERALLY OWNED INVENTIONS.

(a) AMENDMENT.—Section 209 of title 35, United States Code, is amended to read as follows:

"§ 209. Licensing federally owned inventions

"(a) AUTHORITY.—A Federal agency may grant an exclusive or partially exclusive license on a federally owned invention only if—

"(1) granting the license is a reasonable and necessary incentive to—

"(A) call forth the investment capital and expenditures needed to bring the invention to practical application; or

"(B) otherwise promote the invention's utilization by the public;

"(2) the Federal agency finds that the public will be served by the granting of the license, as indicated by the applicant's intentions, plans, and ability to bring the invention to practical application or otherwise promote the invention's utilization by the public, and that the proposed scope of exclusivity is not greater than reasonably necessary to provide the incentive for bringing the invention to practical utilization, as proposed by the applicant, or otherwise to promote the invention's utilization by the public;

"(3) the applicant makes a commitment to achieve practical utilization of the invention within a reasonable time;

"(4) granting the license will not tend to substantially lessen competition or create or maintain a violation of the Federal antitrust laws; and

"(5) in the case of an invention covered by a foreign patent application or patent, the interests of the Federal Government or United States industry in foreign commerce will be enhanced.

"(b) MANUFACTURE IN UNITED STATES.—A Federal agency shall normally grant a license to use or sell any federally owned invention in the United States only to a licensee who agrees that any products embodying the invention or produced through the use of the invention will be manufactured substantially in the United States.

"(c) SMALL BUSINESS.—First preference for the granting of any exclusive or partially exclusive licenses under this section shall be given to small business firms having equal or greater likelihood as other applicants to bring the invention to practical application within a reasonable time.

"(d) TERMS AND CONDITIONS.—Licenses granted under this section shall contain such terms and conditions as the granting agency considers appropriate. Such terms and conditions shall include provisions—

"(1) retaining a nontransferrable, irrevocable, paid-up license for the Federal agency to practice the invention or have the invention practiced throughout the world by or on behalf of the Government of the United States;

"(2) requiring periodic reporting on utilization of the invention, and utilization efforts, by the licensee, but only to the extent necessary to enable the Federal agency to determine whether the terms of the license are being complied with; and

"(3) empowering the Federal agency to terminate the license in whole or in part if the agency determines that—

"(A) the licensee is not executing its commitment to achieve practical utilization of the invention, including commitments contained in any plan submitted in support of its request for a license, and the licensee cannot otherwise demonstrate to the satisfaction of the Federal agency that it has

taken, or can be expected to take within a reasonable time, effective steps to achieve practical utilization of the invention;

"(B) the licensee is in breach of an agreement described in subsection (b);

"(C) termination is necessary to meet requirements for public use specified by Federal regulations issued after the date of the license, and such requirements are not reasonably satisfied by the licensee; or

"(D) the licensee has been found by a competent authority to have violated the Federal antitrust laws in connection with its performance under the license agreement.

"(e) PUBLIC NOTICE.—No exclusive or partially exclusive license may be granted under this section unless public notice of the intention to grant an exclusive or partially exclusive license on a federally owned invention has been provided in an appropriate manner at least 15 days before the license is granted, and the Federal agency has considered all comments received in response to that public notice. This subsection shall not apply to the licensing of inventions made under a cooperative research and development agreement entered into under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

"(f) BASIC BUSINESS PLAN.—A Federal agency may grant a license on a federally owned invention only if the person requesting the license has supplied to the agency a basic business plan with development milestones, commercialization milestones, or both.

"(g) NONDISCLOSURE OF CERTAIN INFORMATION.—Any basic business plan, and revisions thereto, submitted by an applicant for a license, and any report on the utilization or utilization efforts of a licensed invention submitted by a licensee, shall be treated by the Federal agency as commercial and financial information obtained from a person and not subject to disclosure under section 552 of title 5, United States Code.".

(b) CONFORMING AMENDMENT.—The item relating to section 209 in the table of sections for chapter 18 of title 35, United States Code, is amended to read as follows:

"209. Licensing federally owned inventions.".

SEC. 4. TECHNICAL AMENDMENTS TO BAYH-DOLE ACT.

Chapter 18 of title 35, United States Code (popularly known as the "Bayh-Dole Act"), is amended—

(1) by amending section 202(e) to read as follows:

"(e) In any case when a Federal employee is a coinventor of any invention made under a funding agreement with a nonprofit organization or small business firm, the Federal agency employing such coinventor may, for the purpose of consolidating rights in the invention—

"(1) license or assign whatever rights it may acquire in the subject invention from its employee to the nonprofit organization or small business firm; or

"(2) acquire any rights in the subject invention, but only to the extent the party from whom the rights are acquired voluntarily enters into the transaction."; and

(2) in section 207(a)—

(A) by striking "patent applications, patents, or other forms of protection obtained" and inserting "inventions" in paragraph (2); and

(B) by inserting ", including acquiring rights for the Federal Government in any invention, but only to the extent the party from whom the rights are acquired voluntarily enters into the transaction, to facilitate the licensing of a federally owned invention" after "or through contract" in paragraph (3).

SEC. 5. TECHNICAL AMENDMENTS TO THE STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.

Section 14(a)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c(a)(1)) is amended—

(1) in subparagraph (A)(i), by inserting ", if the inventor's or coinventor's rights are assigned to the United States" after "inventor or coinventors"; and

(2) in subparagraph (B), by striking "succeeding fiscal year" and inserting "2 succeeding fiscal years".

SEC. 6. REVIEW OF COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENT PROCEDURES.

(a) REVIEW.—The Director of the Office of Science and Technology Policy, in consultation with relevant Federal agencies, national laboratories, and any other person the Director considers appropriate, shall review the general policies and procedures used by Federal agencies to gather and consider the views of other agencies on—

(1) joint work statements under section 12(c)(5)(C) or (D) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(5)(C) or (D)); or

(2) in the case of laboratories described in section 12(d)(2)(A) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(2)(A)), cooperative research and development agreements under such section 12,

with respect to major proposed cooperative research and development agreements that involve critical national security technology or may have a significant impact on domestic or international competitiveness.

(b) PROCEDURES.—Within one year after the date of the enactment of this Act, the Director of the Office of Science and Technology Policy, in consultation with relevant Federal agencies and national laboratories, shall—

(1) determine the adequacy of existing procedures and methods for interagency coordination and awareness; and

(2) establish and distribute to appropriate Federal agencies—

(A) specific criteria to indicate the necessity for gathering and considering the views of other agencies on joint work statements or cooperative research and development agreements as described in subsection (a); and

(B) additional procedures, if any, for carrying out such gathering and considering of agency views.

Procedures established under this subsection shall be designed to the extent possible to use or modify existing procedures, to minimize burdens on Federal agencies, to encourage industrial partnerships with national laboratories, and to minimize delay in the approval or disapproval of joint work statements and cooperative research and development agreements.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. BARCIA) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the past two decades, Congress has established a system to transfer unclassified technology from our Federal laboratories to the private sector in order to facilitate its commercialization. This system is designed to ensure U.S. citizens receive the full benefit from our government's investment in research and development.

To help further these goals, the Committee on Science first reported the Stevenson-Wydler Technology Innovation Act of 1980. The committee expanded on that landmark legislation with the passage of the Federal Technology Transfer Act of 1986, the National Competitive Technology Transfer Act of 1989, the American Technology Preeminence Act of 1991 and the National Technology Transfer and Advancement Act of 1995, among others.

Technology transfer has resulted in products which are currently being used to enhance our quality of life. Examples include the AIDS home testing kit, the global positioning system nautical navigation, and new materials technology to make automobiles lighter and more fuel-efficient.

H.R. 2544 continues the Committee on Science's long and rich history of advancing technology transfer to help boost our Nation's standard of living. I congratulate the Chair of the Subcommittee on Technology, the gentlewoman from Maryland (Mrs. MORELLA), for introducing H.R. 2544, and for her efforts to work cooperatively with members of the minority and the administration to craft this bipartisan bill.

I would also like to acknowledge and congratulate the hard work of the ranking Members from the Committee on Science and Subcommittee on Technology, the gentleman from California (Mr. BROWN) and the gentleman from Michigan (Mr. BARCIA) on this important legislation. Its drafting and passage by the Committee on Science could not have occurred without their considerable input and assistance.

The purpose of H.R. 2544 as reported is to promote the transfer and private sector commercialization of the technology created in our Nation's system of over 700 Federal laboratories, thereby leveraging Federal investment in scientific research through increasing collaboration with the private industry.

Specifically, the bill improves and streamlines the ability of Federal agencies to license federally-owned inventions. H.R. 2544 does this by reducing procedural obstacles and, to the greatest extent possible, the uncertainty involved in the licensing of government-owned patented inventions.

During the Committee on Science's hearing on this bill, the committee received testimony from both past and prospective private industry partners regarding their concerns about current Federal technology licensing processes.

Witnesses indicated that the strategic advantage of acquiring intellectual property rights through a cooperative research and development agreement, called CRADA for short, and/or

the licensing of government-owned technology, are, unfortunately, offset by the delays and uncertainty often associated with the lengthy Federal technology transfer process, which is often out of sync with private sector timing. In addition to the uncertainty of actually being granted the license, these procedural barriers increase transaction costs and delay commercialization.

The present regulations also make it difficult for government-owned and government-operated laboratories, or GOGO for short, to bring existing scientific inventions into a CRADA, even when inclusion would create a more complete technology package.

By reducing the delay and uncertainty imposed by existing procedural barriers and thus lowering transactional costs associated with the licensing of technology transferred from the Federal laboratories, Federal agencies could greatly increase participation by the private sector in their technology transfer programs.

H.R. 2544 does just that. Its approach will expedite the commercialization of government-owned inventions and reduce the costs to the American taxpayer for the development of new technology-based products.

Through H.R. 2544, Federal agencies are provided with two important new tools for effectively commercializing on-the-shelf government-owned inventions: First, revised authorities under section 209 of the Bayh-Dole Act; and, second, the ability to license technology as part of a CRADA. Both mechanisms make Federal technology transfer programs much more attractive to U.S. private industries that seek to form partnerships with the Federal laboratories.

The committee reported H.R. 2544 by voice vote. The bill was subsequently discharged by the Committee on the Judiciary, to which it was sequentially referred. I appreciate the cooperation of the chairman and ranking minority member of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS), for their assistance in bringing H.R. 2544 to the floor.

This bill is yet another important step in refining our Nation's technology transfer laws to remove existing impediments to advance government and industry collaboration, and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. BARCIA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would first begin by thanking the gentleman from Wisconsin (Chairman SENSENBRENNER) and, of course, the ranking member the gentleman from California (Mr. BROWN) for bringing H.R. 2544, the Technology Transfer Commercialization Act, to the floor. I would like to especially thank the bill's chief sponsor, the chairman of the Subcommittee on Technology, the gentlewoman from Maryland (Mrs. MORELLA), for her continued leadership on this and other important technology matters.

The goal of H.R. 2544 is to make sure that those innovations owned by our Federal labs and with commercial potential enter the marketplace as quickly and efficiently as possible. However, the bill also includes important protections that the gentleman from Utah (Mr. COOK) and I introduced during our Subcommittee on Technology markup to promote fairness of opportunity, to increase due diligence on the part of licenses, and to encourage the creation of American jobs.

The bill relaxes general notice requirements, but requires public notice when it matters most, when the granting of an exclusive license to a Federal invention is contemplated. Giving notice in advance of awarding an exclusive license is essential to ensure that the public gets full benefit from its research investment. This will make sure that every American company, no matter how small, has a chance to make its case for a license before exclusive rights are awarded. Without these protections, important innovations can inadvertently be blocked. Companies, often small businesses previously unknown to Federal laboratories, have responded to these public notices with revolutionary ideas that would otherwise have been lost.

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The National Institutes of Health first learned of companies with the capability to turn NIH innovations into a cystic fibrosis gene therapy and a cervical cancer vaccine through public notices of the intent to grant exclusive licenses to someone else. The Department of Agriculture uncovered important applications of its research, including a novel egg immunization technology and a way to take formaldehyde out of permanent press fabrics which could have been blocked without public notice.

Time and time again, public notice of the intent to grant exclusive licenses has produced dramatic results. The gentlewoman from Maryland (Mrs. MORELLA), the chairperson of the subcommittee, was absolutely right in pointing out to the committee that publication in the Federal Register is probably no longer the most effective method of public notice in an Internet age. Agencies need to make use of a variety of modern communication techniques such as electronic mailing lists, the Internet, and web pages. We encourage agencies to think creatively, to devise plans for reaching more people during shorter periods of public notice, and to pass the time savings on to their potential private sector partners.

Further, as our private sector is ultimately driven by small business, the licensing of Federal inventions may well be our most successful and cost-effective program to aid these smaller firms. In fact, the Department of Defense grants 61 percent of its exclusive licenses to small businesses, NIST grants 80 percent of licenses to small businesses, and NASA grants 93 percent of its licenses to small businesses. This bill ensures that small businesses will continue to be the focus of technology transfer initiatives far into the future.

Finally, this bill is geared toward American jobs. Federal licensees are expected to do high quality research and establish manufacturing jobs right here in the United States of America. In the 1980s, our committee showed wisdom in requiring a fair share of the jobs coming out of Federal innovations be located in the U.S. This bill will continue this important principle into the next century.

Mr. Speaker, the Subcommittee on Technology, under the leadership of the gentlewoman from Maryland (Mrs. MORELLA) and our distinguished chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), as well as our distinguished Ranking Member, the gentleman from California (Mr. BROWN) have, in a bipartisan manner, invested a large amount of time and energy in gathering the information necessary to perfect this legislation. I strongly urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. COOK).

Mr. COOK. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of H.R. 2544, the Technology Transfer Commercialization Act of 1998. First, I would like to commend our chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER); the subcommittee chairwoman, the gentlewoman from Maryland (Mrs. MORELLA); and the ranking members of both committees, for their commitment and leadership on this legislation.

H.R. 2544 will improve the laws promoting technology transfer from our Nation's Federal laboratories. It will facilitate Federal technology licensing by streamlining the process and eliminating burdensome procedural hurdles for American businesses.

As a businessman I know the importance of keeping up with technology and the necessity of constantly innovating and initiating new ideas in order to remain competitive. I also understand how difficult it is to interact with the government. I am pleased that the committee accepted my pro-business amendments that further knock down some of the obstacles and concerns of industry when they seek to license technology from our Federal laboratories.

H.R. 2544 will bolster America's ability to compete internationally and will

help our economy reap the fruits of taxpayer-funded Federal technology research.

I thank the chairman again for his support of this legislation, and I urge my colleagues to vote for this bill.

Mr. BARCIA. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from California (Mr. BROWN), ranking member of the House Committee on Science.

Mr. BROWN of California. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, over the last 20 years we have seen a complete change in attitude regarding technology transfer, and it has been a change for the better. In 1979 and in 1980, the House Committee on Science and Technology, working with some far-thinking individuals in the Carter administration, the university community and the private sector, came up with a holistic method of thinking about innovation in this country and the legislation necessary to back it up.

I am proud to have been a part of the bipartisan group of legislators who guided these bills, the Bayh-Dole Act and the Stevenson-Wydler Act, to enactment and who later worked with the Reagan administration to broaden their scope by extending the Bayh-Dole Act to government-owned, contractor-operated laboratories and by adding the concept of cooperative research and development agreements to the Stevenson-Wydler Act.

When I say bipartisan, my colleagues will all recognize that Senator Bayh was a leading Democratic Senator from Indiana, and Senator Dole of course was the later-to-be Republican leader and candidate for President. Of the Stevenson-Wydler Act, Senator Stevenson was the junior Senator from Illinois at that time, and Mr. Wydler was the Ranking Member of the Committee on Science, which I am today, so I am following in his great footsteps. But the point that I am trying to make here is that we unabashedly worked together on a bipartisan basis to enact this type of legislation which was aimed at reaping greater benefits from our investments in research and development in this country, and these programs have succeeded.

I should point out that the foundation for most of our current advanced technology programs was contained in the 1988 Trade Act, perhaps an odd place for it to be, but it was a separate title of that trade act which was signed into law by President Reagan and which has given us some of the new and, unfortunately, at times, controversial programs which have continued to help ensure our leadership in the world in terms of continually improving our market share in high technology products of all kinds.

What were revolutionary ideas in the 1980 and 1986 bills are now the heart of our Federal laboratory policy. These ideas have been so successful that practice in some ways has outgrown the original statute. Rather than having thousands of Federal inventions going unused, we now see intense competition in the private sector for the best ideas and need to ensure fairness of opportunity in selecting the most appropriate licensees, and this is what the legislation before us attempts to encourage. Instead of Federal researchers meeting their colleagues from outside the government only in professional meetings, we now have a culture of cooperative research involving Federal labs and universities in the private sector.

Mr. Speaker, this is an important, well-thought-out bill. I urge my colleagues to support it.

Mr. BARCIA. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Illinois for his kindness and his leadership; the ranking member, the chairman and the committee for their work.

This is an exciting piece of legislation, and I am delighted to rise to support the Technology Transfer Commercialization Act of 1997. I certainly think Senators Bayh and Dole were innovative in 1980 when their act was first implemented, because it revolutionized the way we handle patents arising from Federal research. Until their legislation passed, the Federal Government retained title to all patents arising from Federal research and granted only nonexclusive licenses to private parties. This left no room for competitive advantages and what we wound up with was these 20,000 Federal inventions sitting in laboratories, underutilized and unused.

As a result of the Bayh-Dole policy, current policy is to get these inventions out to the private sector, either by licensing government-developed technology or by letting a university or company who made the invention with Federal funds have the patent outright. Out of that we have gotten new medicines and materials and processes, and ideas for products are flowing.

However, I believe as we move into the information age, we can do better. We have learned a lot about licensing since 1980, and therefore, I think it is crucial that this new amendment and legislation conforms our patent policies to our new sensibilities. It takes lessons learned over these 18 years as well as the legitimate concerns of licensees, and streamlining our patenting and licensing procedures to reflect 21st century realities.

What I really like about it is this is a real dynamic opportunity for our small businesses. This is a job creation bill, for the small businesses now will have the first crack, as they have in the past, but they will have a real opportunity for the licenses and a substantial portion of the jobs arising from commercializing Federal inventions will have to be located right here in the United States. I think it is a match made in heaven.

The small business preference works, because there are so many innovative technological firms that are small businesses and, in fact, generate a lot of jobs. This helps them to get right to the source of opportunity and to create more jobs and to create high technology. In fact, I understand that over 90 percent of NASA's licenses typically go to small businesses, many of which reside in my community.

H.R. 2544 also carefully devices ways to make sure that the ideas of all companies with an interest in commercializing an invention are considered before rights are awarded. H.R. 2544 also makes crucial adjustments to CRADA, a process by which companies can do joint research with the Federal laboratories. Again, here is another opportunity where there is joint venturing and partnerships between our Federal laboratories.

Mr. Speaker, as I said earlier, this is a bill for the 21st century. I am very proud to support this bill as well as on behalf of our small businesses in America, and technology.

Mr. Speaker, I rise in support of H.R. 2544, the Technology Transfer Commercialization Act of 1997. This bill is important to me for a number of reasons. It strengthens a program of great importance to small business, and it is key to helping U.S. companies harvest the bountiful ideas of Federal laboratories.

This bill amends the Bayh-Dole Act of 1980, which revolutionized the way we handle patents arising from Federal research. Until Bayh-Dole passed, the Federal government retained title to all the patents arising from Federal research and granted only non-exclusive licenses to private parties. This policy left no room for competitive advantages and led to 20,000 Federal inventions sitting in laboratories underutilized and unused.

As a result of Bayh-Dole, current policy is to get these inventions out to the private sector either by licensing government-developed technology, or by letting the university or company who made the invention with Federal funds have the patent outright. New medicines, materials, processes, and ideas for products are flowing from the government to the private sector as never before.

But we can do better. We have learned much about licensing since 1980. Businesses have also changed dramatically in this period. Product marketing and quality is much better now. There has been a communications revolution and business decisions must be made very quickly. Today's high-technology businesses simply do not have the time to produce mounds of paperwork and wait months to license a Federal invention.

H.R. 2544 conforms our patent policies to our new sensibilities. It takes the lessons

learned over these 18 years as well as the legitimate concerns of licensees, and streamlines our patent licensing procedures to reflect 21st century realities.

This bill also preserves what is good about Bayh-Dole. Small businesses still will have first crack at the licenses, and a substantial portion of the jobs arising from commercializing Federal inventions will have to be located right here in the United States. This is a small business preference that works. I understand that over 90% of NASA's licenses typically go to small businesses, many of which reside in my district. H.R. 2544 also carefully devises ways to make sure that the ideas of all companies with an interest in commercializing an invention are considered before rights are awarded.

H.R. 2544 also makes crucial adjustments to the CRADA process by which companies can do joint research with the Federal laboratories. It retains all of the provisions which permit small businesses easy access to federal laboratories, but it also sets up a careful review of those CRADAs that are large enough or prominent enough to raise national security, antitrust, or international competitiveness issues.

Mr. Speaker, this bill represents hard and fruitful work on the part of my colleagues from both sides of the aisle, and from the Administration. I urge all of you to support this important legislation.

Mr. BARCIA. Mr. Speaker, having no additional speakers on our side, I yield back the balance of my time.

Mrs. MORELLA. Mr. Speaker, for nearly two decades, Congress and the Science Committee has encouraged the transfer to United States private industry of unclassified technology created in our federal laboratories.

As a result of these technology transfer laws, the ability of the United States to compete globally has been strengthened and a new paradigm for greater collaboration among the scientific enterprises that conduct our Nation's research and development—government, industry, and universities—has been developed. By permitting effective collaboration between our Federal laboratories and private industry, new technologies can be rapidly commercialized.

Federal technology transfer stimulates the American economy, enhances the competitive position of United States industry internationally, and promotes the development and use of new technologies developed under taxpayer funded research so those innovations are incorporated rapidly and effectively into practice to the benefit of the American public.

Our Federal laboratories have long been considered one of our greatest scientific research and development resources, employing one of every six scientists in the country and encompassing one-fifth of the country's laboratory and equipment capabilities. Effectively capturing this wealth of ideas and technology from our federal laboratories, through the transfer to private industry for commercialization, has helped to bolster our Nation's ability to compete in the global marketplace.

Given the importance and benefits of technology transfer, the Technology Subcommittee has continued to refine the technology transfer process to facilitate greater government, university, and industry collaboration. In the past Congress, we enhanced and simplified the process for Cooperative Research and Development Agreements through a bill which I introduced, the National Technology Transfer and Advancement Act (P.L. 104–113).

With the Technology Transfer Commercialization Act, we have now attempted to remove the obstacles to effectively license federally-owned inventions which are created in government-owned, government-operated laboratories, by adopting the successful Bayh-Dole Act as a framework.

Under the bill, agencies would be provided with two important new tools for effectively commercializing on-the-shelf federally owned technologies—either licensing them as standalone inventions, under the bill's revised authorities of Section 209 of the Bayh-Dole Act, or by including them as part of a larger package under a Cooperative Research and Development Agreement. In doing so, this will make both mechanisms much more attractive to United States companies that are striving to form partnerships with federal laboratories.

In the Technology Subcommittee's two legislative hearings on H.R. 2544, witnesses enthusiastically endorsed the bill's intent to streamline technology licensing to make it more effective. We heard from the Administration, large corporations, small businesses, federal laboratories, and technology transfer organizations, among others, that the bill will substantially improve the process of licensing federal technology for commercial applications and make it more attractive for industry to partner with government.

The bill before us represents a bipartisan consensus. I am pleased that we have worked closely with the members of the Minority in revising the bill since it was originally introduced. I would also like to thank the Chairman and Ranking Member of the Science Committee, Mr. SENSENBRENNER and Mr. BROWN, as well as the Ranking Member of the Technology Subcommittee, Mr. BARCIA, for their support of H.R. 2544.

I look forward to working with them and my Senate counterparts to have this bill signed into law before the conclusion of the 105th Congress. I urge all of my colleagues to pass this important measure.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2544, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2544, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

HOMEOWNERS PROTECTION ACT OF 1998

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 318) to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required as a condition for entering into a residential mortgage transaction, to abolish the Thrift Depositor Protection Oversight Board, and for other purposes, as amended.

The Clerk read as follows:

S. 318

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Homeowners Protection Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) ADJUSTABLE RATE MORTGAGE.—The term "adjustable rate mortgage" means a residential mortgage that has an interest rate that is subject to change.

(2) CANCELLATION DATE.—The term "cancellation date" means—

(A) with respect to a fixed rate mortgage, at the option of the mortgagor, the date on which the principal balance of the mortgage—

(i) based solely on the initial amortization schedule for that mortgage, and irrespective of the outstanding balance for that mortgage on that date, is first scheduled to reach 80 percent of the original value of the property securing the loan; or

(ii) based solely on actual payments, reaches 80 percent of the original value of the property securing the loan; and

(B) with respect to an adjustable rate mortgage, at the option of the mortgagor, the date on which the principal balance of the mortgage—

(i) based solely on amortization schedules for that mortgage, and irrespective of the outstanding balance for that mortgage on that date, is first scheduled to reach 80 percent of the original value of the property securing the loan; or

(ii) based solely on actual payments, first reaches 80 percent of the original value of the property securing the loan.

(3) FIXED RATE MORTGAGE.—The term "fixed rate mortgage" means a residential mortgage that has an interest rate that is not subject to change.

(4) GOOD PAYMENT HISTORY.—The term "good payment history" means, with respect to a mortgagor, that the mortgagor has not—

(A) made a mortgage payment that was 60 days or longer past due during the 12-month period beginning 24 months before the date on which the mortgage reaches the cancellation date; or

(B) made a mortgage payment that was 30 days or longer past due during the 12-month period preceding the date on which the mortgage reaches the cancellation date.

(5) INITIAL AMORTIZATION SCHEDULE.—The term "initial amortization schedule" means a schedule established at the time at which a residential mortgage transaction is consummated with respect to a fixed rate mortgage, showing—

(A) the amount of principal and interest that is due at regular intervals to retire the principal balance and accrued interest over the amortization period of the loan; and

(B) the unpaid principal balance of the loan after each scheduled payment is made.

(6) MORTGAGE INSURANCE.—The term "mortgage insurance" means insurance, including any mortgage guaranty insurance, against the nonpayment of, or default on, an individual mortgage or loan involved in a residential mortgage transaction.

(7) MORTGAGE INSURER.—The term "mortgage insurer" means a provider of private mortgage insurance, as described in this Act, that is authorized to transact such business in the State in which the provider is transacting such business.

(8) MORTGAGEE.—The term "mortgagee" means the holder of a residential mortgage at the time at which that mortgage transaction is consummated.

(9) MORTGAGOR.—The term "mortgagor" means the original borrower under a residential mortgage or his or her successors or assignees.

(10) ORIGINAL VALUE.—The term "original value", with respect to a residential mortgage, means the lesser of the sales price of the property securing the mortgage, as reflected in the contract, or the appraised value at the time at which the subject residential mortgage transaction was consummated.

(11) PRIVATE MORTGAGE INSURANCE.—The term "private mortgage insurance" means mortgage insurance other than mortgage insurance made available under the National Housing Act, title 38 of the United States Code, or title V of the Housing Act of 1949.

(12) RESIDENTIAL MORTGAGE.—The term "residential mortgage" means a mortgage, loan, or other evidence of a security interest created with respect to a single-family dwelling that is the primary residence of the mortgagor.

(13) RESIDENTIAL MORTGAGE TRANSACTION.—The term "residential mortgage transaction" means a transaction consummated on or after the date that is 1 year after the date of enactment of this Act, in which a mortgage, deed of trust, purchase money security interest arising under an installment sales contract, or equivalent consensual security interest is created or retained against a single-family dwelling that is the primary residence of the mortgagor to finance the acquisition, initial construction, or refinancing of that dwelling.

(14) SERVICER.—The term "servicer" has the same meaning as in section 6(i)(2) of the Real Estate Settlement Procedures Act of 1974, with respect to a residential mortgage.

(15) SINGLE-FAMILY DWELLING.—The term "single-family dwelling" means a residence consisting of 1 family dwelling unit.

(16) TERMINATION DATE.—The term "termination date" means—

(A) with respect to a fixed rate mortgage, the date on which the principal balance of the mortgage, based solely on the initial amortization schedule for that mortgage, and irrespective of the outstanding balance for that mortgage on that date, is first scheduled to reach 78 percent of the original value of the property securing the loan; and

(B) with respect to an adjustable rate mortgage, the date on which the principal balance of the mortgage, based solely on amortization schedules for that mortgage, and irrespective of the outstanding balance for that mortgage on that date, is first scheduled to reach 78 percent of the original value of the property securing the loan.

SEC. 3. TERMINATION OF PRIVATE MORTGAGE INSURANCE.

(a) BORROWER CANCELLATION.—A requirement for private mortgage insurance in connection with a residential mortgage transaction shall be canceled on the cancellation date, if the mortgagor—

(1) submits a request in writing to the servicer that cancellation be initiated;

(2) has a good payment history with respect to the residential mortgage; and

(3) has satisfied any requirement of the holder of the mortgage (as of the date of a request under paragraph (1)) for—

(A) evidence (of a type established in advance and made known to the mortgagor by the servicer promptly upon receipt of a request under paragraph (1)) that the value of the property securing the mortgage has not declined below the original value of the property; and

(B) certification that the equity of the mortgagor in the residence securing the mortgage is unencumbered by a subordinate lien.

(b) AUTOMATIC TERMINATION.—A requirement for private mortgage insurance in connection with a residential mortgage transaction shall terminate with respect to payments for that mortgage insurance made by the mortgagor—

(1) on the termination date if, on that date, the mortgagor is current on the payments required by the terms of the residential mortgage transaction; or

(2) on the date after the termination date on which the mortgagor becomes current on the payments required by the terms of the residential mortgage transaction.

(c) FINAL TERMINATION.—If a requirement for private mortgage insurance is not otherwise canceled or terminated in accordance with subsection (a) or (b), in no case may such a requirement be imposed beyond the first day of the month immediately following the date that is the midpoint of the amortization period of the loan if the mortgagor is current on the payments required by the terms of the mortgage.

(d) NO FURTHER PAYMENTS.—No payments or premiums may be required from the mortgagor in connection with a private mortgage insurance requirement terminated or canceled under this section—

(1) in the case of cancellation under subsection (a), more than 30 days after the later of—

(A) the date on which a request under subsection (a)(1) is received; or

(B) the date on which the mortgagor satisfies any evidence and certification requirements under subsection (a)(3);

(2) in the case of termination under subsection (b), more than 30 days after the termination date or the date referred to in subsection (b)(2), as applicable; and

(3) in the case of termination under subsection (c), more than 30 days after the final termination date established under that subsection.

(e) RETURN OF UNEARNED PREMIUMS.—

(1) IN GENERAL.—Not later than 45 days after the termination or cancellation of a private mortgage insurance requirement under this section, all unearned premiums for private mortgage insurance shall be returned to the mortgagor by the servicer.

(2) TRANSFER OF FUNDS TO SERVICER.—Not later than 30 days after notification by the servicer of termination or cancellation of private mortgage insurance under this Act with respect to a mortgagor, a mortgage insurer that is in possession of any unearned premiums of that mortgagor shall transfer to the servicer of the subject mortgage an amount equal to the amount of the unearned premiums for repayment in accordance with paragraph (1).

(f) EXCEPTIONS FOR HIGH RISK LOANS.—

(1) IN GENERAL.—The termination and cancellation provisions in subsections (a) and (b) do not apply to any residential mortgage or mortgage transaction that, at the time at which the residential mortgage transaction is consummated, has high risks associated with the extension of the loan—

(A) as determined in accordance with guidelines published by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, in the case of a mortgage loan with an original principal balance that does not exceed the applicable annual conforming loan limit for the secondary market established pursuant to section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act, so as to require the imposition or continuation of a private mortgage insurance requirement beyond the terms specified in subsection (a) or (b) of section 3; or

(B) as determined by the mortgagee in the case of any other mortgage, except that termination shall occur—

(i) with respect to a fixed rate mortgage, on the date on which the principal balance of the mortgage, based solely on the initial amortization schedule for that mortgage, and irrespective of the outstanding balance for that mortgage on that date, is first scheduled to reach 77 percent of the original value of the property securing the loan; and

(ii) with respect to an adjustable rate mortgage, on the date on which the principal balance of the mortgage, based solely on amortization schedules for that mortgage, and irrespective of the outstanding balance for that mortgage on that date, is first scheduled to reach 77 percent of the original value of the property securing the loan.

(2) TERMINATION AT MIDPOINT.—A private mortgage insurance requirement in connection with a residential mortgage or mortgage transaction described in paragraph (1) shall terminate in accordance with subsection (c).

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to require a mortgage or mortgage transaction described in paragraph (1)(A) to be purchased by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.

(4) GAO REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Congress a report describing the volume and characteristics of

residential mortgages and residential mortgage transactions that, pursuant to paragraph (1) of this subsection, are exempt from the application of subsections (a) and (b). The report shall—

(A) determine the number or volume of such mortgages and transactions compared to residential mortgages and residential mortgage transactions that are not classified as high-risk for purposes of paragraph (1); and

(B) identify the characteristics of such mortgages and transactions that result in their classification (for purposes of paragraph (1)) as having high risks associated with the extension of the loan and describe such characteristics, including—

(i) the income levels and races of the mortgagors involved;

(ii) the amount of the downpayments involved and the downpayments expressed as percentages of the acquisition costs of the properties involved;

(iii) the types and locations of the properties involved;

(iv) the mortgage principal amounts; and

(v) any other characteristics of such mortgages and transactions that may contribute to their classification as high risk for purposes of paragraph (1), including whether such mortgages are purchase-money mortgages or refinancings and whether and to what extent such loans are low-documentation loans.

SEC. 4. DISCLOSURE REQUIREMENTS.

(a) DISCLOSURES FOR NEW MORTGAGES AT TIME OF TRANSACTION.—

(1) DISCLOSURES FOR NON-EXEMPTED TRANSACTIONS.—In any case in which private mortgage insurance is required in connection with a residential mortgage or mortgage transaction (other than a mortgage or mortgage transaction described in section 3(f)(1)), at the time at which the transaction is consummated, the mortgagee shall provide to the mortgagor—

(A) if the transaction relates to a fixed rate mortgage—

(i) a written initial amortization schedule; and

(ii) written notice—

(I) that the mortgagor may cancel the requirement in accordance with section 3(a) of this Act indicating the date on which the mortgagor may request cancellation, based solely on the initial amortization schedule;

(II) that the mortgagor may request cancellation in accordance with section 3(a) of this Act earlier than provided for in the initial amortization schedule, based on actual payments;

(III) that the requirement for private mortgage insurance will automatically terminate on the termination date in accordance with section 3(b) of this Act, and what that termination date is with respect to that mortgage; and

(IV) that there are exemptions to the right to cancellation and automatic termination of a requirement for private mortgage insurance in accordance with section 3(f) of this Act, and whether such an exemption applies at that time to that transaction; and

(B) if the transaction relates to an adjustable rate mortgage, a written notice that—

(i) the mortgagor may cancel the requirement in accordance with section 3(a) of this Act on the cancellation date, and that the servicer will notify the mortgagor when the cancellation date is reached;

(ii) the requirement for private mortgage insurance will automatically terminate on the termination date, and that on the termination date, the mortgagor will be notified of the termination or that the requirement will be terminated as soon as the mortgagor is current on loan payments; and

(iii) there are exemptions to the right of cancellation and automatic termination of a requirement for private mortgage insurance in accordance with section 3(f) of this Act, and whether such an exemption applies at that time to that transaction.

(2) DISCLOSURES FOR EXCEPTED TRANSACTIONS.—In the case of a mortgage or mortgage transaction described in section 3(f)(1), at the time at which the transaction is consummated, the mortgagee shall provide written notice to the mortgagor that in no case may private mortgage insurance be required beyond the date that is the midpoint of the amortization period of the loan, if the mortgagor is current on payments required by the terms of the residential mortgage.

(3) ANNUAL DISCLOSURES.—If private mortgage insurance is required in connection with a residential mortgage transaction, the servicer shall disclose to the mortgagor in each such transaction in an annual written statement—

(A) the rights of the mortgagor under this Act to cancellation or termination of the private mortgage insurance requirement; and

(B) an address and telephone number that the mortgagor may use to contact the servicer to determine whether the mortgagor may cancel the private mortgage insurance.

(4) APPLICABILITY.—Paragraphs (1) through (3) shall apply with respect to each residential mortgage transaction consummated on or after the date that is 1 year after the date of enactment of this Act.

(b) DISCLOSURES FOR EXISTING MORTGAGES.—If private mortgage insurance was required in connection with a residential mortgage entered into at any time before the effective date of this Act, the servicer shall disclose to the mortgagor in each such transaction in an annual written statement—

(1) that the private mortgage insurance may, under certain circumstances, be canceled by the mortgagor (with the consent of the mortgagee or in accordance with applicable State law); and

(2) an address and telephone number that the mortgagor may use to contact the servicer to determine whether the mortgagor may cancel the private mortgage insurance.

(c) INCLUSION IN OTHER ANNUAL NOTICES.—The information and disclosures required under subsection (b) and paragraphs (1)(B) and (3) of subsection (a) may be provided on the annual disclosure relating to the escrow account made as required under the Real Estate Settlement Procedures Act of 1974, or as part of the annual disclosure of interest payments made pursuant to Internal Revenue Service regulations, and on a form promulgated by the Internal Revenue Service for that purpose.

(d) STANDARDIZED FORMS.—The mortgagee or servicer may use standardized forms for the provision of disclosures required under this section.

SEC. 5. NOTIFICATION UPON CANCELLATION OR TERMINATION.

(a) IN GENERAL.—Not later than 30 days after the date of cancellation or termination of a private mortgage insurance requirement in accordance with this Act, the servicer shall notify the mortgagor in writing—

(1) that the private mortgage insurance has terminated and that the mortgagor no longer has private mortgage insurance; and

(2) that no further premiums, payments, or other fees shall be due or payable by the mortgagor in connection with the private mortgage insurance.

(b) NOTICE OF GROUNDS.—

(1) IN GENERAL.—If a servicer determines that a mortgage did not meet the requirements for termination or cancellation of private mortgage insurance under subsection (a) or (b) of section 3, the servicer shall provide written notice to the mortgagor of the grounds relied on to make the determination (including the results of any appraisal used to make the determination).

(2) TIMING.—Notice required by paragraph (1) shall be provided—

(A) with respect to cancellation of private mortgage insurance under section 3(a), not later than 30 days after the later of—

(i) the date on which a request is received under section 3(a)(1); or

(ii) the date on which the mortgagor satisfies any evidence and certification requirements under section 3(a)(3); and

(B) with respect to termination of private mortgage insurance under section 3(b), not later than 30 days after the scheduled termination date.

SEC. 6. DISCLOSURE REQUIREMENTS FOR LENDER PAID MORTGAGE INSURANCE.

(a) DEFINITIONS.—For purposes of this section—

(1) the term "borrower paid mortgage insurance" means private mortgage insurance that is required in connection with a residential mortgage transaction, payments for which are made by the borrower;

(2) the term "lender paid mortgage insurance" means private mortgage insurance that is required in connection with a residential mortgage transaction, payments for which are made by a person other than the borrower; and

(3) the term "loan commitment" means a prospective mortgagee's written confirmation of its approval, including any applicable closing conditions, of the application of a prospective mortgagor for a residential mortgage loan.

(b) EXCLUSION.—Sections 3 through 5 do not apply in the case of lender paid mortgage insurance.

(c) NOTICES TO MORTGAGOR.—In the case of lender paid mortgage insurance that is required in connection with a residential mortgage or a residential mortgage transaction—

(1) not later than the date on which a loan commitment is made for the residential mortgage transaction, the prospective mortgagee shall provide to the prospective mortgagor a written notice—

(A) that lender paid mortgage insurance differs from borrower paid mortgage insurance, in that lender paid mortgage insurance may not be canceled by the mortgagor, while borrower paid mortgage insurance could be cancelable by the mortgagor in accordance with section 3(a) of this Act, and could automatically terminate on the termination date in accordance with section 3(b) of this Act;

(B) that lender paid mortgage insurance—

(i) usually results in a residential mortgage having a higher interest rate than it would in the case of borrower paid mortgage insurance; and

(ii) terminates only when the residential mortgage is refinanced, paid off, or otherwise terminated; and

(C) that lender paid mortgage insurance and borrower paid mortgage insurance both have benefits and disadvantages, including a generic analysis of the differing costs and benefits of a residential mortgage in the case lender paid mortgage insurance versus borrower paid mortgage insurance over a 10-year period, assuming prevailing interest and property appreciation rates;

(D) that lender paid mortgage insurance may be tax-deductible for purposes of Federal income taxes, if the mortgagor itemizes expenses for that purpose; and

(2) not later than 30 days after the termination date that would apply in the case of borrower paid mortgage insurance, the servicer shall provide to the mortgagor a written notice indicating that the mortgagor may wish to review financing options that could eliminate the requirement for private mortgage insurance in connection with the residential mortgage.

(d) STANDARD FORMS.—The servicer of a residential mortgage may develop and use a standardized form or forms for the provision of notices to the mortgagor, as required under subsection (c).

SEC. 7. FEES FOR DISCLOSURES.

No fee or other cost may be imposed on any mortgagor with respect to the provision of any notice or information to the mortgagor pursuant to this Act.

SEC. 8. CIVIL LIABILITY.

(a) IN GENERAL.—Any servicer, mortgagee, or mortgage insurer that violates a provision of this Act shall be liable to each mortgagor to whom the violation relates for—

(1) in the case of an action by an individual, or a class action in which the liable party is not subject to section 10, any actual damages sustained by the mortgagor as a result of the violation, including interest (at a rate determined by the court) on the amount of actual damages, accruing from the date on which the violation commences;

(2) in the case of—

(A) an action by an individual, such statutory damages as the court may allow, not to exceed $2,000; and

(B) in the case of a class action—

(i) in which the liable party is subject to section 10, such amount as the court may allow, except that the total recovery under this subparagraph in any class action or series of class actions arising out of the same violation by the same liable party shall not exceed the lesser of $500,000 or 1 percent of the net worth of the liable party, as determined by the court; and

(ii) in which the liable party is not subject to section 10, such amount as the court may allow, not to exceed $1000 as to each member of the class, except that the total recovery under this subparagraph in any class action or series of class actions arising out of the same violation by the same liable party shall not exceed the lesser of $500,000 or 1 percent of the gross revenues of the liable party, as determined by the court;

(3) costs of the action; and

(4) reasonable attorney fees, as determined by the court.

(b) TIMING OF ACTIONS.—No action may be brought by a mortgagor under subsection (a) later than 2 years after the date of the discovery of the violation that is the subject of the action.

(c) LIMITATIONS ON LIABILITY.—

(1) IN GENERAL.—With respect to a residential mortgage transaction, the failure of a servicer to comply with the requirements of this Act due to the failure of a mortgage insurer or a mortgagee to comply with the requirements of this Act, shall not be construed to be a violation of this Act by the servicer.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to impose any additional requirement or liability on a mortgage insurer, a mortgagee, or a holder of a residential mortgage.

SEC. 9. EFFECT ON OTHER LAWS AND AGREEMENTS.

(a) EFFECT ON STATE LAW.—

(1) IN GENERAL.—With respect to any residential mortgage or residential mortgage transaction consummated after the effective date of this Act, and except as provided in paragraph (2), the provisions of this Act shall supersede any provisions of the law of any State relating to requirements for obtaining or maintaining private mortgage insurance in connection with residential mortgage transactions, cancellation or automatic termination of such private mortgage insurance, any disclosure of information addressed by this Act, and any other matter specifically addressed by this Act.

(2) PROTECTION OF EXISTING STATE LAWS.—

(A) IN GENERAL.—The provisions of this Act do not supersede protected State laws, except to the extent that the protected State laws are inconsistent with any provision of this Act, and then only to the extent of the inconsistency.

(B) INCONSISTENCIES.—A protected State law shall not be considered to be inconsistent with a provision of this Act if the protected State law—

(i) requires termination of private mortgage insurance or other mortgage guaranty insurance—

(I) at a date earlier than as provided in this Act; or

(II) when a mortgage principal balance is achieved that is higher than as provided in this Act; or

(ii) requires disclosure of information—

(I) that provides more information than the information required by this Act; or

(II) more often or at a date earlier than is required by this Act.

(C) PROTECTED STATE LAWS.—For purposes of this paragraph, the term "protected State law" means a State law—

(i) regarding any requirements relating to private mortgage insurance in connection with residential mortgage transactions;

(ii) that was enacted not later than 2 years after the date of the enactment of this Act; and

(iii) that is the law of a State that had in effect, on or before January 2, 1998, any State law described in clause (i).

(b) EFFECT ON OTHER AGREEMENTS.—The provisions of this Act shall supersede any conflicting provision contained in any agreement relating to the servicing of a residential mortgage loan entered into by the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or any private investor or note holder (or any successors thereto).

SEC. 10. ENFORCEMENT.

(a) IN GENERAL.—Compliance with the requirements imposed under this Act shall be enforced under—

(1) section 8 of the Federal Deposit Insurance Act—

(A) by the appropriate Federal banking agency (as defined in section 3(q) of the Federal Deposit Insurance Act) in the case of insured depository institutions (as defined in section 3(c)(2) of such Act);

(B) by the Federal Deposit Insurance Corporation in the case of depository institutions described in clause (i), (ii), or (iii) of section 19(b)(1)(A) of the Federal Reserve Act that are not insured depository institutions (as defined in section 3(c)(2) of the Federal Deposit Insurance Act); and

(C) by the Director of the Office of Thrift Supervision in the case of depository institutions described in clause (v) and or (vi) of section 19(b)(1)(A) of the Federal Reserve Act that are not insured depository institutions (as defined in section 3(c)(2) of the Federal Deposit Insurance Act);

(2) the Federal Credit Union Act, by the National Credit Union Administration Board in the case of depository institutions described in clause (iv) of section 19(b)(1)(A) of the Federal Reserve Act; and

(3) part C of title V of the Farm Credit Act of 1971 (12 U.S.C. 2261 et seq.), by the Farm Credit Administration in the case of an institution that is a member of the Farm Credit System.

(b) ADDITIONAL ENFORCEMENT POWERS.—

(1) VIOLATION OF THIS ACT TREATED AS VIOLATION OF OTHER ACTS.—For purposes of the exercise by any agency referred to in subsection (a) of such agency's powers under any Act referred to in such subsection, a violation of a requirement imposed under this Act shall be deemed to be a violation of a requirement imposed under that Act.

(2) ENFORCEMENT AUTHORITY UNDER OTHER ACTS.—In addition to the powers of any agency referred to in subsection (a) under any provision of law specifically referred to in such subsection, each such agency may exercise, for purposes of enforcing compliance with any requirement imposed under this Act, any other authority conferred on such agency by law.

(c) ENFORCEMENT AND REIMBURSEMENT.—In carrying out its enforcement activities under this section, each agency referred to in subsection (a) shall—

(1) notify the mortgagee or servicer of any failure of the mortgagee or servicer to comply with 1 or more provisions of this Act;

(2) with respect to each such failure to comply, require the mortgagee or servicer, as applicable, to correct the account of the mortgagor to reflect the date on which the mortgage insurance should have been canceled or terminated under this Act; and

(3) require the mortgagee or servicer, as applicable, to reimburse the mortgagor in an amount equal to the total unearned premiums paid by the mortgagor after the date on which the obligation to pay those premiums ceased under this Act.

SEC. 11. CONSTRUCTION.

(a) PMI NOT REQUIRED.—Nothing in this Act shall be construed to impose any requirement for private mortgage insurance in connection with a residential mortgage transaction.

(b) NO PRECLUSION OF CANCELLATION OR TERMINATION AGREEMENTS.—Nothing in this Act shall be construed to preclude cancellation or termination, by agreement between a mortgagor and the holder of the mortgage, of a requirement for private mortgage insurance in connection with a residential mortgage transaction before the cancellation or termination date established by this Act for the mortgage.

SEC. 12. EFFECTIVE DATE.

This Act, other than section 13, shall become effective 1 year after the date of enactment of this Act.

SEC. 13. ABOLISHMENT OF THE THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD.

(a) IN GENERAL.—Effective at the end of the 3-month period beginning on the date of enactment of this Act, the Thrift Depositor Protection Oversight Board established under section 21A of the Federal Home Loan Bank Act (hereafter in this section referred to as the "Oversight Board") is hereby abolished.

(b) DISPOSITION OF AFFAIRS.—

(1) POWER OF CHAIRPERSON.—Effective on the date of enactment of this Act, the Chairperson of the Oversight Board (or the designee of the Chairperson) may exercise on behalf of the Oversight Board any power of

the Oversight Board necessary to settle and conclude the affairs of the Oversight Board.

(2) AVAILABILITY OF FUNDS.—Funds available to the Oversight Board shall be available to the Chairperson of the Oversight Board to pay expenses incurred in carrying out paragraph (1).

(c) SAVINGS PROVISION.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—No provision of this section shall be construed as affecting the validity of any right, duty, or obligation of the United States, the Oversight Board, the Resolution Trust Corporation, or any other person that—

(A) arises under or pursuant to the Federal Home Loan Bank Act, or any other provision of law applicable with respect to the Oversight Board; and

(B) existed on the day before the abolishment of the Oversight Board in accordance with subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Oversight Board with respect to any function of the Oversight Board shall abate by reason of the enactment of this section.

(3) LIABILITIES.—

(A) IN GENERAL.—All liabilities arising out of the operation of the Oversight Board during the period beginning on August 9, 1989, and the date that is 3 months after the date of enactment of this Act shall remain the direct liabilities of the United States.

(B) NO SUBSTITUTION.—The Secretary of the Treasury shall not be substituted for the Oversight Board as a party to any action or proceeding referred to in subparagraph (A).

(4) CONTINUATIONS OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS PERTAINING TO THE RESOLUTION FUNDING CORPORATION.—

(A) IN GENERAL.—All orders, resolutions, determinations, and regulations regarding the Resolution Funding Corporation shall continue in effect according to the terms of such orders, resolutions, determinations, and regulations until modified, terminated, set aside, or superseded in accordance with applicable law if such orders, resolutions, determinations, or regulations—

(i) have been issued, made, and prescribed, or allowed to become effective by the Oversight Board, or by a court of competent jurisdiction, in the performance of functions transferred by this section; and

(ii) are in effect at the end of the 3-month period beginning on the date of enactment of this section.

(B) ENFORCEABILITY OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS BEFORE TRANSFER.—Before the effective date of the transfer of the authority and duties of the Resolution Funding Corporation to the Secretary of the Treasury under subsection (d), all orders, resolutions, determinations, and regulations pertaining to the Resolution Funding Corporation shall be enforceable by and against the United States.

(C) ENFORCEABILITY OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS AFTER TRANSFER.—On and after the effective date of the transfer of the authority and duties of the Resolution Funding Corporation to the Secretary of the Treasury under subsection (d), all orders, resolutions, determinations, and regulations pertaining to the Resolution Funding Corporation shall be enforceable by and against the Secretary of the Treasury.

(d) TRANSFER OF THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD AUTHORITY AND DUTIES OF RESOLUTION FUNDING CORPORATION TO SECRETARY OF THE TREASURY.—Effective at the end of the 3-month period beginning on the date of enactment of this Act, the authority and duties of the Oversight Board under sections 21A(a)(6)(I) and 21B of the Federal Home Loan Bank Act are transferred to the Secretary of the Treasury (or the designee of the Secretary).

(e) MEMBERSHIP OF THE AFFORDABLE HOUSING ADVISORY BOARD.—Effective on the date of enactment of this Act, section 14(b)(2) of the Resolution Trust Corporation Completion Act (12 U.S.C. 1831q note) is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

(f) TIME OF MEETINGS OF THE AFFORDABLE HOUSING ADVISORY BOARD.—

(1) IN GENERAL.—Section 14(b)(6)(A) of the Resolution Trust Corporation Completion Act (12 U.S.C. 1831q note) is amended—

(A) by striking "4 times a year, or more frequently if requested by the Thrift Depositor Protection Oversight Board or" and inserting "2 times a year or at the request of"; and

(B) by striking the second sentence.

(2) CLERICAL AMENDMENT.—Section 14(b)(6)(A) of the Resolution Trust Corporation Completion Act (12 U.S.C. 1831q note) is amended, in the subparagraph heading, by striking "AND LOCATION".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of S. 318, the Homeowners Protection Act. This legislation is about saving money for America's homeowners by ensuring that they do not overpay for private mortgage insurance, or PMI.

Private mortgage insurance, although paid by the homeowner, is designed to protect lenders from mortgage default risk, and it is usually required when the homeowner has less than 20 percent equity in his or her home. While most industry standards allow for cancellation of PMI once the 20 percent equity level is achieved, homeowners are not always aware of how it can be terminated. It is estimated that some borrowers are paying $240 to $1,200 annually for mortgage insurance that is no longer needed.

By requiring that automatic termination of PMI when insurance is no longer necessary and by requiring mortgage companies and other financial institutions to provide homeowners with information on the terms and conditions of this insurance and how it can be canceled, S. 318 protects homeowners from paying for PMI after all parties in the mortgage process agree that it is no longer needed.

□ 1515

Over the last 30 years, the mortgage financial markets have evolved with innovative products that leverage private sector resources in a manner that facilitates and expands affordable home ownership opportunities. In fact, the United States home ownership rate is at a record level today, with 66 percent of Americans owning their own home.

The Senate bill, S. 318, will further enhance home ownership opportunities by making home ownership less expensive and by providing the industry with clear and certain Federal rules on when and how mortgage insurance can be canceled.

The bill before us, which represents a compromise agreed to by the Senate Committee on Banking, is based on legislation originally introduced by the gentleman from Utah (Mr. HANSEN). The gentleman's firsthand difficulties in canceling PMI and the mortgage secured by his condominium led him to introduce legislation, H.R. 607, on this subject.

The Committee on Banking and Financial Services reported out the Hansen bill on March 20, 1997, and the full House approved by a vote of 421 to 7 on April 16, 1997. The Senate followed suit last fall in approving its version of PMI legislation, which is before the House today.

The homeowner protections contained in this bill cover owners of condominiums and cooperatives as well as owners of single-family detached homes. Under S. 318, the PMI disclosure and cancellation mandates cover residential mortgages and mortgage transactions for single-family dwellings. In the context of this legislation, the term "single-family dwellings" applies to condominium and cooperative home ownership arrangements.

In closing, I would like to thank my colleague, the gentleman from Utah (Mr. HANSEN), for his perseverance in his fight for the average homeowner, and the gentlewoman from Connecticut (Mrs. ROUKEMA), the gentleman from New York (Mr. LAZIO), the gentleman from New York (Mr. LAFALCE), the gentleman from Minnesota (Mr. VENTO), the gentleman from Massachusetts (Mr. KENNEDY), the gentlewoman from California (Ms. WATERS), the gentlewoman from Texas (Ms. JACKSON-LEE) and other members of this committee who have been such constructive participants in crafting the legislation before the House today.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the chairman of the Committee on Banking and Financial Services for his kind words. This has been a very bipartisan and collegial process that has brought us to the floor today.

The fact is, if you are a homeowner today, or are thinking of becoming one, you do not want to spend any more money than you have to, especially on

unnecessary payments. But, unfortunately, between 250,000 to 400,000 families nationwide are now doing exactly that. They are making unnecessary payments. They are paying up to $100 each month and thousands of dollars over the life of their mortgages for unnecessary private mortgage insurance.

There is nothing inherently wrong with private mortgage insurance, or PMI. It can be a valuable and essential tool used by many families who want to buy a home but are unable to finance a full 20 percent down payment. Fully 54 percent of mortgages offered last year did require PMI, private mortgage insurance.

That means the lender requires the borrower to buy and pay for insurance to protect the lender in case of a borrower's default. As a result, lenders have then been able to issue mortgages to families with smaller down payments who otherwise could not afford homes. So far, so good.

The problem with PMI arises once you have established approximately 20 percent equity in your home. This is the figure generally accepted by the mortgage industry as a benchmark of the risk they take in financing your home. At that point, PMI should no longer be necessary, since there is minimal risk to the lender. After all, the lender holds title to the home if you should default, and can always sell the property. But many homeowners are never even notified that they can discontinue their private mortgage insurance, and just keep on paying and paying and paying. It adds up to thousands of dollars.

Continuing to pay insurance to protect the lender after a borrower no longer represents a serious risk is an unjustified windfall to insurance companies, and an unfair burden on homeowners. That practice must stop, and our action today will insure that it does stop.

Mr. Speaker, I give special credit to the gentleman from Utah (Mr. HANSEN) for bringing this issue to the attention of our Committee on Banking and Financial Services and for bringing it to the attention of the full House of Representatives.

The bill he introduced initially would have required disclosure to homebuyers, both at the mortgage signing and in annual statements, of the precise conditions that might enable them to cancel payments of that insurance. But after committee members had time to reflect upon it, we believed that that would be helpful but not helpful enough. Some argued we should move beyond disclosure and also create a right to terminate, at least after certain conditions were met.

But many thought, well, even that is not good enough. We should go further still. This was my position. Simple disclosure and creation of a right to cancel is not enough. Unnecessary insurance payments should be terminated as a matter of law. No borrower in his right mind would choose to pay for insurance to protect a lender against the borrower's own default unless forced to do so.

Therefore, rather than create a right to reject and cancel insurance, which any reasonable person would always exercise, we argued we should legislate, instead, the actual termination of the insurance once certain conditions are met. That is the bill we have before us today.

The bill protects the consumer's right to initiate cancellation of the private mortgage insurance once 20 percent of the mortgage is satisfied, and requires servicers to cancel a consumer's mortgage insurance once 22 percent of the mortgage is satisfied.

Nonetheless, I am convinced we could have and should have gone even further. For instance, the bill does not afford the same automatic cancellation rights to so-called high-risk consumers, whose PMI will be canceled at the half-life of the mortgage. The bill does direct the housing enterprises, FNMA and FreddieMac, to establish industry guidelines defining what constitutes a risky borrower.

I assume and hope, and will watch to see, that the GSEs use their authority prudently, but I want to be clear that this provision was not included to enable lenders or investors to circumvent the intent of this legislation or to discriminate against certain types of borrowers. We will be watching this very closely.

With that in mind, I have asked that the bill require the GAO to evaluate how the high-risk exception is being applied, and report the findings to the Congress after enactment.

With regard to State preemption, again, I much preferred the House version. At least in this case the bill does protect State PMI cancellation and consumer laws in effect prior to January 2, 1998, and provides those States, eight of them, 2 years to revise and amend their laws: California, Minnesota, New York, Colorado, Connecticut, Maryland, Massachusetts, and Missouri.

I would have strongly preferred that the bill simply respect the rights of all States to enact stronger cancellation and disclosure laws, or had allowed the eight States with laws on the books to amend their laws without limitation. Nonetheless, I am pleased that we are now protecting stronger State consumer laws in States like New York, where they already do exist.

All in all, this is a strong consumer bill. It could have been stronger, and we might make it even stronger in future years. I urge my colleagues now to join me in supporting S. 318.

Mr. Speaker, I reserve the balance of my time.

Mr. LEACH. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Utah (Mr. HANSEN), the author of this bill and our good friend and great leader on this subject.

Mr. HANSEN. Mr. Speaker, I thank the chairman of the committee, the gentleman from Iowa (Mr. JIM LEACH), for the great leadership he has shown on this legislation, and the gentleman from New York (Mr. LAFALCE) for what he has done on this. I just say amen to what they have said. Both of them have hit it on the head.

Let me add a little, if I may. What is PMI? What is private mortgage insurance? It is a good thing, and I am grateful that the lending institutions have come up with this creative way in which to help people who could not pay at least 20 percent down on their loans. So they get into these things, they buy the house, they are elated, they are given the key to the house, this is a big moment, and they walk in.

Then after that goes away after a short time, they start looking at that payment bill that comes in. Anywhere between $20 to $100 they see every month, and say, what am I paying this for? They find that they are paying private mortgage insurance. When we think of insurance, we think of something that we buy to help us. This is not the case in this instance. This is something we buy to take care of the lender in case we do not make our payments.

It is an interesting history. I have to admit I did not know too much about it. After my first term I sold my place out in Virginia and bought a little condo across from the Pentagon. I wanted to be close to the House. I noticed that when I got my bill, there was something about private mortgage insurance. I did not even know what it was.

I called up the lending institution and said, what is this, anyway? They explained it to me, as it has been explained today. I said, that is all well and good, how do I get rid of it? They said, you send us a check for x amount of dollars and we will take it off.

I sent them the check. They did not take it off. I said, why did you not take it off? They said, we do not have to take it off. But if you will have an independent appraisal done on your place, we will be happy to consider it. How much is that? $1,200. Now, the average American paying between $20 to $100 for this, he is not going to see a lawyer, he is not going to fuss, he is going to be mad and hunker down and do it.

They did not do it after the appraisal. So I called them up again and they said, we do not have to take it off. Then, just like most people in our business, I started using this speech around America, and lo and behold, half the people in the audience would come up and say, I have this same problem. I have been paying this year after year after year.

A couple of attorneys came to see me, one from Alabama. He had a class action going of two or three thousand people who had faithfully made payments on their PMI, and they would not take it off. Then we started getting letters. I have stacks of letters now in my office where people would write in and show me the sarcastic and cavalier way that many of the banks, lending institutions, would come up with, and say, we do not have to take it off. Pay it the rest of your life.

That is what has happened, Mr. Speaker. Many people in America have paid it the rest of their lives. It would be interesting some day to see all of the letters we have, such as from a little lady in Texas, one in Nevada, one in Massachusetts, scattered all over America, who have faithfully made their payments on time and are enriching insurance companies, servicers, and lending institutions to the point of millions of dollars which did not have to be paid.

This is a piece of consumer legislation which I think is extremely important. I would like to point out that the language as we got it from the Senate says "single-family dwelling." If you go into a homeowner's policy or a policy such as that, that is interpreted to mean a freestanding place and only one family living in it. I think the gentleman from Iowa (Mr. LEACH) adequately addressed this, but if someone wants to try this case, I think it comes down to the idea that we mean a single family in a condo, in any other area, a unit which they are buying, so we do not exclude all those particular people.

As the gentleman from New York (Mr. LAFALCE) pointed out, this bill will require full disclosure of what PMI is. It will require notification of their right to cancel, and will have some information in the bill about automatic cancellation if they live up to it.

I want to thank the members of the Committee on Banking and Financial Services, who have worked so diligently on this. I really feel that this is a good piece of legislation. The Senate and the House have worked diligently to do it. In my humble opinion, this is one of the better pieces of consumer legislation we have come up with this in term. I would urge the support of my colleagues in passing this legislation.

Mr. LAFALCE. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I rise in support of this measure. It has a Senate number but, candidly, the catalyst for this was, as has been indicated, our colleague, the gentleman from Utah (Mr. JIM HANSEN), and the measure that we worked on, H.R. 607, which I think was a good proposal in terms of disclosure, in terms of bringing the issue into focus, and one in which we worked to in fact provide an automatic cancellation.

In fact, private mortgage insurance (PMI) is a good product. We have, of course, some Federal programs, the Federal Housing Administration and the insurance that it provides, it means that if a person has a lower down payment, they can become a homeowner with this insurance providing a pool of dollars that will provide for default or delinquency in the case that default occurs with regard to the mortgage.

□ 1530

But clearly if you make a large enough down payment, you can completely avert, such insurance whether it is FHA insurance or if it is PMI insurance. The case here is that after someone has paid for even the half-life of the mortgage or paid down to the loan-to-value ratio of 80 percent, they should be entitled and should have the opportunity to discharge this responsibility, cost and this insurance because it is no longer necessary. There is not the risk in that loan. The homeowner is paying a fair rate of interest on the loan. They should not have to pay, on a $100,000 mortgage, as is indicated, this could be anywhere from $40 to $80 a month over the course of a $100,000 mortgage on a home. That can easily obviously be $1000 a year in insurance payments that they are making that would not be necessary. This bill provides for the termination of such insurance and the cost to the consumer.

There are some concerns about the bill specifically with regard to the high risk mortgages because that is left somewhat undefined. I know our colleagues in the House were in agreement that we should define hi risk mortgages. We should be more specific and not leave any uncertainty. But we were not able to convince our Senate colleagues who rely upon the Federal National Mortgage Association and others to help in terms of such guidelines to follow guidelines in terms of defining high risk mortgages. But if it proves to be a problem, we have, I think, put in place a measure where we will get needed information from the General Accounting Office and others to in fact lead us in a direction to resolve such problems.

This is an important measure because it means that housing, homeownership will be facilitated. It will cost less. It is fair. It is fair to those that extend the mortgages. It is fair to the insurance companies that are making the dollars on real risk and assuming real risk, and it is certainly fair to the homeowners. So this is a step in the right direction.

I again commend my colleagues. This is an important issue in terms of achieving homeownership, and it is fair to the States that have already taken actions, such as my State of Minnesota, which has a private mortgage insurance provision, and the 7 or 8 other States which have similar provisions. So it is a good measure.

I am pleased to join my colleague from Utah and the others on my committee in terms of support of the measure and hope to see it signed into law by President Clinton.

Mr. Speaker, I rise in support of S. 318, the Homeowners Protection Act of 1998.

Over a year ago, this House passed a similar but better bill that was drafted on a bipartisan basis using the measure introduced by Mr. HANSEN, H.R. 607, as the vehicle.

We come before the House today having reconciled with the Senate a bill which will serve the needs of millions of American homeowners covered by private mortgage insurance.

Consumers spend hundreds of dollars a year extra in mortgage insurance even though they have paid down the mortgage by 20%, 25% or more, to a point where such insurance is not required or necessary. This bill will provide some equity for those homebuyers who make their payments faithfully for years.

The agreed upon bill prospectively (one year after enactment) provides for the automatic cancellation of private mortgage insurance when borrowers have 22% equity, or a 78% loan-to-value (LTV) ratio, in their homes (based on the original value of the home). Premiums paid past that date will be refunded.

The bill allows for cancellation of PMI at 80% LTV ratio based on the initial amortization schedules and would not preclude borrowers from seeking cancellation using home price appreciation if it is agreed upon between the lender and the borrower.

Importantly, the bill also provides for the disclosure of borrowers' rights and protections under this law. Existing loans will get annual statements that their PMI may be cancelable. Future borrowers will be informed of their rights at or before closing along with the annual disclosure.

There is, unfortunately, a provision about which I have great concern. It is because of this concern that changes to S. 318 were sought and made. It has been part of the reason for the delay in considering this Senate-passed bill.

The bill as passed by the Senate would allow FNMA (Fannie Mae) and FHLMC (Freddie Mac) to set the standards for a whole class of loans to be called "high risk" that would be exempt from the automatic termination and cancellation rights. This exemption, undefined and unregulated, could be used to avoid this entire law or could be used to discriminate against certain borrowers. That indeed would frustrate the implementation and results that could be attained from this proposed new law.

While we could not sway the other body to define "high risk"; to have a regulator define it; or, to simply modify the trigger level for all to accommodate riskier loans; we were successful in mandating in this measure a GAO report that will let us know how this exemption is being used and for whom it is being used or abused if that is the case in the future. We will be looking very carefully at the results of this report for possible future policy actions in the event of high risk misunderstandings.

Mortgage insurance helps provide an opportunity to people to purchase homes when they

cannot come up with a 20% down payment. On a $100.000 home, that would be a hefty $20,000. Private mortgage insurance on a $100,000 house ranges from $28 to $76 a month depending on down payment. That works out to $336 to $912 a year! And of course, in many cities in this nation, including Washington, D.C., you cannot buy most homes for $100,000, so down payments are tougher to make and consumer premiums and costs also go up as does the size of the mortgage.

The consensus bill will not preempt state laws in the eight states that have passed laws on termination or disclosure of rights and rules to govern terminating private mortgage insurance. Since one of those innovative states is Minnesota, I wanted to be sure that our good and fairly simple law would not be unnecessarily preempted. Under the agreement, all of these states also have two years to further perfect their own law. While I would have liked to have seen more time and, in fact, no limitation on changes to those laws, two years is better than none and seven more states exempted from the initial Senate bill is better than only the state of New York.

Finally, although I do have some reservations about the complexity of the many trigger points for cancellation or termination of PMI generated by this bill's requirements, it is a step forward and a fairly good consensus bill to bring to our colleagues in the House. I hope that should the four basic trigger points be found to be too complex for consumers or servicers that we can revisit this bill and perhaps find a more uniform and fair trigger point for automatic cancellation.

Mr. Speaker, I urge my colleagues to support this very important consumer legislation. This bill will provide hundreds of dollars in relief to home buyers who have paid their way out of PMI, but have not yet found relief. More than phantom tax cut measures or phoney tax code revisions, this bill will produce real consumer savings in the purse of consumers paying PMI premiums today. Let's pass this proconsumer legislation now and see it signed into law by President Clinton.

Mr. LEACH. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the gentleman very much for yielding me the time.

Let me join the others who have congratulated the gentleman from Utah (Mr. HANSEN) who I think really spotted a problem. I am sort of embarrassed that I did not see it sooner. I actually did some of this work when I was a lawyer, not for the PMI people but for the consumers. I should have recognized the fact that there was a problem.

I often raised the question. We never could get exactly correct answers as to what happened after a period of time. The people did pay this for some time. I think by spotlighting it, he has brought forward all of the concerns of a lot of people of this country. This is not the most major thing that we are going to do in Congress this year, but in terms of being very black and white, this is that. This is something that is absolutely correct to do. It is clear. I do not see how anybody could possibly oppose it. I think that the Homeowners Protection Act is just good common sense protection for homeowners across the United States of America to protect them when they have paid down their private mortgage insurance sufficiently so that there is enough equity in their home, and the various mortgages companies will be protected.

I think and I agree with those who have said that this is a valuable service. Without this, quite frankly, a lot of people would not have been able to buy homes. I am not up here to decry PMI or say that it was a bad service or whatever it may be. But the bottom line is that I think often by inattention as much as anything else, people continue to pay this for years and years after they should have stopped. And when you start to add up $30 or $40 a month over a period of time, indeed it becomes a significant sum of money.

This indeed is consumer protection. This is why we in Congress should be here, to protect our constituents from problems such as this. This is a problem that is a hidden problem, I think, by and large, but I think it is a problem which is very real nonetheless. For that reason, I think it should go forward.

I have often questioned, frankly, whether it should go down to 20 percent or, as we say in this case, perhaps as far as 22 percent before we cut it off, but that seems to be a number which is agreed to by the lending industry and even by those who watch over consumers. So indeed I judge that it is good enough for us.

The bottom line is that this is good legislation. I hope we would all support it and be proud of a good record. Congratulations again to the gentleman from Utah (Mr. HANSEN).

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes and 30 seconds to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I appreciate the gentleman yielding time to me.

I rise in support of this legislation, although I do so with some ambivalence.

The bill that we have to consider today in some respects is a better bill than the bill we passed out of the House originally, but in other respects it is not as good a bill as we passed out of the House originally. But clearly it is a bill that is worthy of being supported because it is better than nothing and it moves us in the right direction.

I would like to spend a moment talking about some of the concerns I have about the bill that we are addressing though. First concern is that we are preempting State law, at least partially preempting State law, I should not say we are fully preempting it, but there are 8 States that have stronger laws in this area than we are passing here today. We protect those laws for a period of 2 years but, after that, we do not give them the protection that they deserve to have going forward for States that have stronger laws.

Second, and a more important concern, is this high risk loan situation. If you get a loan that is categorized as a high risk loan, then you have got to pay 50 percent of the value of that loan before this law is of any benefit to you. For other people, you pay 22 percent of the loan or possibly 20 percent of the loan, if you have got an appraisal, 22 percent of the loan in some circumstances, 23 percent of the loan in other circumstances, but if you have a high risk loan, regardless of the value of your house going forward, if you have got a loan that starts off being categorized as a high risk loan, even if your area goes through an urban renewal, the value of your home continues to appreciate, you can not get the benefit of the 80 percent provision in this bill or the 78 percent provision in this bill or the 77 percent provision in this bill.

So you are kind of stuck with that henceforth now and forever. That is a concern that we need to pay particular attention to in the future.

On balance, support the bill. It is better than nothing.

Mr. LEACH. Mr. Speaker, I yield myself 1 minute simply to offer a clarification. On the two-year provision, let me just clarify that States that have laws can further modify these laws during a two-year period, but the laws will stay in effect as long as the State wants to keep those laws in effect. So it is not a cancellation of the law itself.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I think that the House bill was much more clear with regard to some of these bend points. I think the gentleman from North Carolina raises a good point in terms of the complexity that is added to this and hopefully we will not see the type of frustration of the intent of this measure. But I think we did the best we could with the sponsors in the Senate.

Mr. LEACH. In that regard, I share some of the concerns of both the gentleman from Minnesota and the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Speaker, I think it was my inartful articulation of what I was trying to say. I understood that these 8 States have their laws protected going forward, but

I appreciate the gentleman clarifying that. I was not trying to mislead anyone on that point.

Mr. LEACH. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. LAZIO).

Mr. LAZIO of New York. Mr. Speaker, I want to begin by commending the gentleman from Iowa (Mr. LEACH) for his hard work in improving this bill and his dedication in bringing it to the floor today and our colleague, the gentleman from Utah (Mr. HANSEN), whose diligence on this issue has raised consumer awareness of private mortgage insurance. And I think it is not too strong to say that he is really a consumer hero today to homeowners around America.

The mortgage financial markets have experienced dramatic change over the last few decades, allowing more low and moderate income families to attain the American dream of homeownership.

One important change is the emergence of private mortgage insurance. Before PMI, as it is known, families were typically required to make a 20 percent down payment for a new home. Now families who are creditworthy but are cash strapped can buy a house with down payments as low as 3 percent or 5 percent. And this private mortgage insurance also lowers the lender's risk of loss from mortgage defaults.

Private mortgage insurance is a crucial element in achieving our goals of helping all Americans buy homes so they can give their families a better quality of life. We should celebrate that our Nation now has the highest homeownership rate in our history. This is because of the new tools of the mortgage market, such as PMI, and our hard-earned Balanced Budget Agreement which lowered interest rates and created a strong economy.

While we provide a tool for the lenders to provide their investments, we also need to ensure that home buyers are safeguarded. If we can prevent homeowners from being exploited, American families can have peace of mind in buying a home. It is already a right of most homeowners to cancel their mortgage insurance when the equity in their homes reaches 20 percent. But many Americans are unaware of these rights and so they continue to pay the insurance premiums even after reaching the 20 percent level.

The average rate of private mortgage insurance is between $20 and $100 per month. That is an annual rate of $1,200. This is $1,200 that could instead be more money in the pocket of an average American family. It is food money, school costs, doctor bills and much more. How can we allow consumers to pay for private mortgage insurance long after they are considered good borrowers with little risk of default just because they are not aware of the applicable rules and laws?

I look forward to passage of this bill.

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I rise in strong support of S. 318. I congratulate our colleague from Utah for his work on this bill.

I came to this body from the banking industry where I looked at a great number of mortgage portfolios. The standard by which one is required to attain PMI insurance is when you are putting down less money than what would require you to get to an 80 percent loan-to-value ratio.

Like the previous speaker, the gentleman from New York, PMI is a good tool because it does allow millions of Americans to be able to purchase a home by only having to put down a small percentage. So it does open the mortgage market to those Americans. But what is not a good deal is when you have paid down on your mortgage to a level below the 80 percent loan-to-value ratio and you are still paying for something that the market says you do not need anymore. That is the problem that the gentleman from Utah found and that millions of Americans have found and why this bill is necessary today.

I understand the gentleman from North Carolina's concerns. I appreciate those concerns. But this is a step in the right direction. This will help 5 million Americans, it is estimated, immediately who are paying for PMI insurance, in some cases $30, $60, $90 a month, for which they really are receiving nothing, because what would happen in a default is that the PMI company would never have to shell out anything but they would gain the benefits of all the premiums.

So this is a good piece of consumer legislation. This may well be the most important piece of consumer legislation that this Congress adopts.

I appreciate the efforts on the part of the chairman of the committee, the subcommittee and the ranking member on our side of the full committee and the ranking member of the subcommittee.

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Mr. LAFALCE. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me this time. I wish to say "hats off" to the gentleman from Utah (Mr. HANSEN). This is an excellent, excellent response to the needs for housing in America, particularly in districts like mine.

Just a few weeks ago we participated in the Habitat for Humanity. That is one form of housing. But there is another form of housing where the working Americans are at a certain level and they are looking forward to having the opportunity to have and purchase homes. This bill allows homeowners to voluntarily cancel their private mortgage insurance when the loan-to-value ratio of the mortgage reaches 80 percent of the original value of the property, but only for loans originating 1 year after the enactment. It moves us forward.

I appreciate very much the story that the gentleman from Utah recounted for us because so many others have not caught that. And so we look forward to the fact that in America we encourage home ownership, we encourage people to pay down on their loans, and then we reward them by taking away the private mortgage insurance when it is not needed.

This is good legislation. I hope we pass it quickly.

Mr. Speaker, I strongly support this bill. Given the prosperity of our current economic climate, I believe that we should create mechanisms that make home buying easier and more practical. Such acts will protect these consumers who are so vital to the American economy.

It seems to me that automatic cancellation of private mortgage insurance (PMI) would create a buyer-friendly environment in the residential housing industry by ending the current problems associated with PMI.

Under the status quo, lenders usually require borrowers to purchase PMI if the borrower makes a downpayment on a home of less than 20 percent (i.e., if the mortgage loan will account for more than 80 percent of the home's purchase price). It is intended to offset the risk to lenders of making low downpayment loans.

However, many homeowners have reported difficulty in canceling PMI after paying down their loan to a level where it constitutes less than 80 percent of the home's value, and other homeowners have been unaware that they can cancel their policies at a certain point—often continuing to pay up to $100 a month for PMI.

By establishing three levels at which PMI must be automatically terminated by a mortgage service firm, the difficulties associated with PMI, and homebuying in general, would be alleviated to a limited extent.

The bill generally establishes three levels at which PMI paid for by a borrower must be canceled automatically by a mortgage servicing firm. Such automatic termination occurs when (1) the loan-to-value ratio of the mortgage reaches 78 percent of the original value of the property, (2) the loan-to-value ratio reaches 77 percent for larger "non-conforming" loans, or (3) the mid-point or "half-life" of the mortgage payment schedule for "high risk" loans (loans with higher risks of default).

The bill also allows homeowners to voluntarily cancel their PMI when the loan-to-value ratio of the mortgage reaches 80 percent of the original value of the property—but only for loans originated beginning one year after enactment, and only if the homeowner meets three requirements.

It appears that this bill adequately solves the problem before us. I do maintain some

reservations about the involvement of Fannie Mae and Freddie Mac because the definition of "high risk" loans would be determined by these two entities. I would have preferred the use of a Federal regulator, instead of a private body acting as a government entity, but Fannie Mae and Freddie Mac have served us well in the past, and I believe that they are up to the task at hand.

With this measure, we can simultaneously create an incentive for homebuyers and protection for homeowners and allow homebuyers to more easily terminate private mortgage insurance (PMI) once they have paid a requisite portion of their loan.

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

I support this legislation strongly for a good many reasons, most of which I have already articulated. Let me make three points, however.

One of the primary reasons I am supporting this legislation is because we are now going to provide for automatic termination for homeowners in each of the 50 States, whereas today there are only three states that provide for automatic termination. That makes this probably the most important consumer bill that will have passed the Congress in this session.

There are some difficulties, however. With the exception of a limited exemption for eight states, we preempt States from enacting stronger consumer protection legislation. This is offensive, especially because it involves the insurance industry. The Federal Government has had little role regarding, or knowledge or experience with the insurance industry, certainly not so much that we should go in and say we know so much more than all the other States that we are going to preempt them. We should not be doing that if the states think they can pass even stronger consumer protection laws. The Senate insisted upon that. We could have done better.

Third, I do not like the process of avoiding conferences between the House and the Senate. We have been ping-ponging this bill back and forth. That is a permissible process, but it is not as good as a direct dialogue with the Members of the United States Senate. I do not want the Senate to think that it is going to be able to do this in other legislation, whether it is credit union legislation, financial services modernization, et cetera, virtually saying to the House take it or leave it. That is not an appropriate approach.

I support this bill and I go along with this approach because we are providing for automatic termination for homeowners in 50 States, whereas it now only exists in three states. But I have great difficulties with high-risk mortgages, the general state preemption and the process itself.

Mr. Speaker, I reserve the balance of my time.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume and simply say, in conclusion, that I would like to stress that, as has been uttered by others, this is extraordinarily important consumer legislation, it is extraordinarily important home ownership legislation, it is common sense, and I would hope this body would adopt it unanimously.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume to point out that the chairman of the committee, the gentleman from Iowa (Mr. LEACH), has been a champion on this issue. He has been totally cooperative, and we have been in lockstep on virtually each and every issue that we have discussed today. I thank him and his staff.

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of S. 318 and want to commend my colleague from Utah, Congressman HANSEN, for his perseverance on this important legislation. This legislation evolved out of Congressman HANSEN's personal trials and tribulations of trying to cancel his own Private Mortgage Banking Insurance. And Representative HANSEN's testimony before the committee defined the problem and the solution. Think of this as a "Consumer Bill of Rights."

Private Mortgage Insurance is both an important but little understood instrument in the current mortgage industry. PMI enables families to purchase homes with as little as a 3–5 percent downpayment by insuring the mortgage lender against default. In 1996, more than 1 million people bought or refinanced a home with PMI. It made homeowners out of more than 16 million families.

PMI is normally required whenever a borrower does not have a 20-percent downpayment. PMI costs homeowners between $20 to $100 per month and protects the lender against the risk of loss on low-downpayment loans. PMI can be canceled under certain conditions, when a good payment history is met and 30 percent or more is achieved on the cost of the home.

The problem arises when homeowners are not informed of what PMI is and when and how they can stop paying it. Overpayment of PMI is potentially costing hundreds of thousands of homeowners millions of dollars per year.

Passage of this bill will ensure that homeowners will be better equipped to understand what PMI is, who it insures, and what rights the homeowner has to cancel it. This legislation requires automatic termination of private mortgage insurance after the homeowner attains a certain equity level in his or her home. In addition, the bill would require the mortgage companies and financial institutions that originate and service mortgages provide homeowners with information on the terms and conditions of PMI and how it can be canceled, both voluntarily and by law.

It is time to correct this problem and to stop overcharging the consumer. This is good public policy and I urge my colleagues to support it.

Mr. LAFALCE. Mr. Speaker, it has been a very bipartisan and collegial process that has brought us to the floor today, and I thank the Chairman of the Committee on Banking and Financial Services.

All in all, I believe this is probably one of the most important consumer bills that will have passed the Congress this session. One of the primary reasons I am supporting it is that we are now going to provide for automatic termination of private mortgage insurance (PMI), and therefore the considerable reduction of the costs associated with homeownership, for homeowners in each of the 50 states. Today there are only three states that provide for automatic termination. Extending that right to homeowners in all of the fifty states is an enormous step forward for consumers.

The fact is, if you are a homeowner today, or are thinking of becoming one, you do not want to spend any more money than you have to, especially on unnecessary payments. But, unfortunately, between 250,000 to 400,000 families nationwide are now doing exactly that. They are paying up to $100 each month and thousands of dollars over the life of their mortgages for unnecessary private mortgage insurance.

There is nothing inherently wrong with private mortgage insurance, or PMI. It can be a valuable and essential tool used by many families who want to buy a home but are unable to finance a full 20 percent down payment. Fully 54 percent of mortgages offered last year did require PMI.

That means the lender requires the borrowers to buy and pay for insurance to protect the lender in case of a borrower's default. As a result, lenders have then been able to issue mortgages to families with smaller down payments, who otherwise could not afford homes. That is of benefit to the consumer. So far, so good.

The problem with PMI arises once you have established approximately 20 percent equity in your home. This is the figure generally accepted by the mortgage industry as a benchmark of the risk they take in financing your home. At that point, PMI should no longer be necessary, since there is minimal risk to the lender. After all, the lender holds title to the home if you should default, and can always sell the property.

But many homeowners are never even notified that they can discontinue their private mortgage insurance, and just keep on paying and paying and paying. It adds up to thousands of dollars. Continuing to pay insurance to protect the lender after a borrower no longer represents a serious risk is an unjustified windfall to insurance companies, and an unfair burden on homeowners. That practice must stop, and our action today will insure that it does stop.

Mr. Speaker, I give special credit to the gentleman from Utah (Mr. HANSEN) for bringing this issue to the attention of our Committee on Banking and Financial Services and for bringing it to the attention of the full House of Representatives.

The bill Congressman HANSEN introduced initially would have required disclosure to homebuyers, both at the mortgage signing and in annual statements, of the precise conditions that might enable them to cancel payments of private mortgage insurance. But after Committee Members had time to reflect upon it, we

believed that that would be helpful but not helpful enough. Some argued we should move beyond disclosure and also create a right to terminate, at least after certain conditions were met.

Many thought that even that was insufficient and we should go further still. This was my position. Simple disclosure and creation of a right to cancel is not enough. Unnecessary insurance payments should be terminated as a matter of law. Certainly, no sensible borrower would choose to pay for insurance to protect a lender against the borrower's own default unless forced to do so.

Therefore, rather than create a right to reject and cancel insurance, which any reasonable person would always exercise, we argued we should legislate instead the actual termination of the insurance once certain conditions were met. That is an essential element of the bill we have before us today.

The bill protects the consumer's right to initiate cancellation of the private mortgage insurance once 20 percent of the mortgage is satisfied, and requires servicers to cancel a consumer's mortgage insurance once 22 percent of the mortgage is satisfied.

Nonetheless, I am convinced we could have and should have gone even further. For instance, the bill does not afford the same automatic cancellation rights to so-called high-risk consumers, whose PMI will be canceled at the half-life of the mortgage. The bill does direct the housing enterprises, FNMA and Freddie Mac, to establish industry guidelines defining what constitutes a risky borrower.

I assume and hope, and will watch to see, that the GSEs use their authority prudently. But I want to be clear that this provision was not included to enable lenders or investors to circumvent the intent of this legislation or to discriminate against certain types of borrowers. We will be watching implementation of this provision very closely.

With that in mind, I have asked that the bill require the GAO to evaluate how the high-risk exception is being applied, and report the findings to the Congress after enactment.

With regard to state preemption, again, I much preferred the House version. At least in this case, the bill we have before us does protect state PMI cancellation and consumer laws in effect prior to January 2, 1998, and provides those states, eight of them, two years to revise and amend their laws: California, Minnesota, New York, Colorado, Connecticut, Maryland, Massachusetts and Missouri.

I would have strongly preferred that the bill simply respect the rights of all states to enact stronger cancellation and disclosure laws, or had allowed the eight states with laws on the books to amend their laws without limitation. But the Senate would not agree to this approach. Nonetheless, I am pleased that we are now protecting stronger state consumer laws in states like New York, where they already do exist.

All in all, this is a strong consumer bill. It could have been stronger in some regards, and we might make it even stronger in future years. But it represents real and significant progress for consumers. I urge my colleagues now to join me in supporting S. 318.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HAYWORTH). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the Senate bill, S. 318, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 318, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ENFORCEMENT OF CHILD CUSTODY AND VISITATION ORDERS

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4164) to amend title 28, United States Code, with respect to the enforcement of child custody and visitation orders.

The Clerk read as follows:

H.R. 4164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHILD CUSTODY AND VISITATION DETERMINATIONS.

Section 1738A of title 28, United States Code is amended as follows:

(1) Subsection (a) is amended by striking ''subsection (f) of this section, any child custody determination'' and inserting ''subsections (f) and (g) of this section, any custody determination or visitation determination''.

(2) Subsection (b)(2) is amended by striking ''a parent'' and inserting '', but not limited to, a parent or grandparent or, in cases involving a contested adoption, a person acting as a parent''.

(3) Subsection (b)(3) is amended—

(A) by striking ''or visitation'';

(B) by striking ''and'' before ''initial orders''; and

(C) by inserting before the semicolon at the end the following: '', and includes decrees, judgments, orders of adoption, and orders dismissing or denying petitions for adoption''.

(4) Subsection (b)(4) is amended to read as follows:

''(4)(A) except as provided in subparagraph (B), 'home State' means—

''(i) the State in which, immediately preceding the time involved, the child lived with his or her parents, a parent, or a person acting as a parent, with whom the child has been living for at least six consecutive months, a prospective adoptive parent, or an agency with legal custody during a proceeding for adoption, and

''(ii) in the case of a child less than six months old, the State in which the child lived from birth, or from soon after birth,

and periods of temporary absence of any such persons are counted as part of such 6-month or other period; and

''(B) in cases involving a proceeding for adoption, 'home State' means the State in which—

''(i) immediately preceding commencement of the proceeding, not including periods of temporary absence, the child is in the custody of the prospective adoptive parent or parents;

''(ii) the child and the prospective adoptive parent or parents are physically present and the prospective adoptive parent or parents have lived for at least six months; and

''(iii) there is substantial evidence available concerning the child's present or future care;''.

(5) Subsection (b)(5) is amended by inserting ''or visitation determination'' after ''custody determination'' each place it appears.

(6) Subsection (b) is amended by striking ''and'' at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting ''; and'', and by adding after paragraph (8) the following:

''(9) 'visitation determination' means a judgment, decree, or other order of a court providing for the visitation of a child and includes permanent and temporary orders and initial orders and modifications.''.

(7) Subsection (c) is amended by striking ''child custody determination'' in the matter preceding paragraph (1) and inserting ''custody determination or visitation determination''.

(8) Subsection (c)(2)(D) is amended by adding ''or visitation'' after ''determine the custody''.

(9) Subsection (d) is amended by striking ''child custody determination'' and inserting ''custody determination or visitation determination''.

(10) Subsection (e) is amended—

(A) by striking ''child custody determination'' and inserting ''custody determination or visitation determination''; and

(B) by striking ''a child'' and inserting ''the child concerned''.

(11) Subsection (f) is amended—

(A) by striking ''determination of the custody of the same child'' and inserting ''custody determination'';

(B) in paragraph (1) by striking ''child'' and by striking ''and'' after the semicolon;

(C) in paragraph (2) by striking the period and inserting ''; and''; and

(D) by adding at the end the following:

''(3) in cases of contested adoption in which the child has resided with the prospective adoptive parent or parents for at least six consecutive months, the court finds by clear and convincing evidence that the court of the other State failed to consider—

''(A) the extent of the detriment to the child in being moved from the child's custodial environment;

''(B) the nature of the relationship between the biological parent or parents and the child;

''(C) the nature of the relationship between the prospective adoptive parent or parents and the child; and

''(D) the recommendation of the child's legal representative or guardian ad litem.

This subsection shall apply only if the party seeking a new hearing has acted in good faith and has not abused or attempted to abuse the legal process.''.

(12) Subsection (g) is amended by inserting ''or visitation determination'' after ''custody determination'' each place it appears.

(13) Section 1738A is amended by adding at the end the following:

''(h) A court of a State may not modify a visitation determination made by a court of another State unless the court of the other

State has declined to exercise jurisdiction to modify such determination.

"(i) In all contested custody proceedings, including adoption proceedings, undertaken pursuant to this section, all proceedings and appeals shall be expedited.

"(j) In cases of conflicts between 2 or more States, the district courts shall have jurisdiction to determine which of conflicting custody determinations or visitation determinations is consistent with the provisions of this section or which State court is exercising jurisdiction consistently with the provisions of this section for purposes of subsection (g).".

(14) Subsection (c)(2) is amended—

(A) by inserting "or her" after "his" each place it appears; and

(B) by inserting "or she" after "he".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4164, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4164 is intended to alleviate the legal, financial and emotional hurdles that grandparents, who have visitation rights to their grandchildren, must overcome in order to enforce those rights if the children are subsequently moved to another State.

Mr. Speaker, I have met with several grandparents in my district, and the accounts that they share with me regarding their inability, for various reasons, to visit their grandchildren are generously laced with pain and frustration. H.R. 4164, Mr. Speaker, ensures that a visitation order granted to grandparents in one State will be recognized in any State where the grandchildren may be moved and thereby prevent grandchildren from losing contact with a valuable part of their family.

The bill also restores to Federal courts subject matter jurisdiction to determine which of two conflicting State court custody determinations or visitation determinations is valid based on which State is exercising proper jurisdiction. This will overturn a 1988 Supreme Court decision which held that various Federal courts did not have such jurisdiction, even though Federal courts had already been hearing these type cases for years. The decision resulted in conflicting State court custody decisions with no mechanisms to determine which order was valid.

H.R. 4164 will reduce duplicate State court proceedings. Though the number of such cases may not be overwhelming, the emotional and financial burdens that will be alleviated by this bill for those children and families faced with conflicting custody orders is immeasurable.

This bill also gives State courts an option whether or not to enforce the Parental Kidnapping Prevention Act in a limited number of interstate contested adoption cases. In an interstate contested adoption that has already been ruled on in another State, a State may exercise jurisdiction and modify the decision if the other State had failed to conduct a, "best interest of the child analysis". Litigants who have not acted in good faith or who have abused or attempted to abuse the system would not be eligible to utilize this provision.

As I said earlier, Mr. Speaker, I often, in my district, hear from grandparents about the many difficulties they face in trying to achieve contact with their grandchildren, and this is a significant step forward in protecting visitation rights for grandparents. This is a good bill that will benefit children and families involved in these cases, and I urge a "yes" vote on H.R. 4164.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

The chairman of the subcommittee has explained this well. I want to stress in particular the importance of giving due recognition to the role of grandparents, especially in today's world. Grandparents often find themselves in a parental role. In fact, we are seeing a good deal of grandparent involvement in the raising of grandchildren, and the law has simply not caught up with that.

I think the point of giving recognition to the strong emotional ties between grandparents and grandchildren, recognizing that grandparents, these days, are as likely to have the best interests of the children at heart as any other, those are all very important and I am delighted to support the legislation which adopts them.

The other part of the bill, which deals with allowing the Federal courts some substantive involvement, I say there is some constitutional controversy, but what persuades me this is worth supporting is it sets forth a substantive standard of the best interest of the child, and we have had too many other competing kinds of interests advanced.

So for those two principles, to the extent that we can federally, arguing that the best interest of the child should be the deciding point in custody cases, and recognizing the love and the care that grandparents parental and giving some protection to the grandparent-grandchildren bond, for those two reasons, I very much support this bill.

Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time.

I wish to thank the gentleman from North Carolina (Mr. COBLE) of the subcommittee, and the gentleman from Illinois (Mr. HYDE) of the full committee, as well as the ranking members, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Massachusetts (Mr. FRANK) for their help in bringing this legislation to the floor.

Most American grandparents would believe that after a hard fought, very difficult, painful and expensive process of winning the right to visit their grandchildren in State court that they have won that right permanently, or at least until some negative circumstance occurs. Many of them have been shocked and chagrined to find out that that is not the case. Very often, when the child moves to another State, the rights of the grandparents evaporate.

This legislation, which is based upon legislation I authored last year, will solve that problem. It will say that if grandparents have rights to visit their grandchild in New Jersey or North Carolina or Massachusetts, then they have those rights irrespective of where the child lives. If the child moves to Arizona or Pennsylvania or to another State, the rights move with the child.

I want to commend all my colleagues for their involvement in this and spend a minute in telling my colleagues how I got involved in it. A constituent of mine from Cherry Hill, New Jersey, by the name of Josephine D'Antonio, brought this problem to my attention about 3 or 4 years ago, and it was through learning of her story, as the gentleman from North Carolina (Mr. COBLE) has learned from many stories in his district, that we were able to work together as Republicans and Democrats to bring this bill to the floor today. So I want to thank Mrs. D'Antonio, Mr. Speaker, for her role in making this happen.

I also want to thank Maureen Doherty from my office, who has worked tirelessly on this legislation throughout her tenure here. She is leaving us to go to law school in a couple of weeks. There are not many people who help to write a law before they become a lawyer or a law student, and I commend her for that.

I also want to say that I have learned of the importance of the bond between grandparents and grandchildren in my own heart and in my own life. I also want to say the important lessons many of us parents learned have been in that way, and on behalf of my children I wanted to thank their surviving grandparents, Mrs. Phyllis Wolf, Mr. Ernest Spinello and Mrs. Florence Spinello for the lessons they have

taught us about that very important bond.

Mr. Speaker, I am glad today we are coming together so that grandparents all across this country will be able to walk into any courthouse in any State, if they have received a court order, and know that their right to participate in the nurturing and love of their grandchildren will continue across State lines.

I urge support of the bill and thank its movers to the floor.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from New Jersey for his leadership on this really very, very important issue, because it focuses on allowing for the loving and caring grandparents to have a role in the lives of our children.

I thank the gentleman from North Carolina (Mr. COBLE) and the gentleman from Illinois (Mr. HYDE) for their leadership, along with the gentleman from Michigan (Mr. CONYERS) and the gentleman from Massachusetts (Mr. FRANK) for recognizing the value of grandparents.

Let me speak for myself. Personally, I would like not to have to come to the floor of the House on legislation like this. I would like to think that families are bonded and are together for life.

□ 1600

We would like to think there is no such thing as divorce. We would like to think of the normal or at least, let me correct myself, the family of old, the extended family, where grandparents and parents and children live together. But we do have a different life and a different life-style, and I believe it is extremely important to reinforce that when a grandparent receives visitation in one State that every other State must respect and enforce that court order.

Nationwide, the percent of families with children headed by a single parent increased from 22 percent in 1985 to 26 percent in 1995. More than 75 percent of older Americans are grandparents. This legislation gives peace of mind and comfort, but it also gives the opportunity for our children to be connected with their history.

I, too, would like to pay tribute to my children's grandparents, Mr. and Mrs. Lee, Mr. Lee now deceased; and Mr. and Mrs. Jackson, Mr. Jackson now deceased. This is an excellent piece of legislation that helps bond our families and applauds and respects those grandparents and senior citizens who spend so much of their life contributing to the growth and nurturing of our children.

Mr. Speaker, thank you for allowing me time to speak on this important bill. As Chair of the Congressional Children's Caucus and as a parent, I care deeply about this bill.

H.R. 4164 is a law which is to the benefit of all family members. By enacting this legislation, we are requiring that when a grandparent is awarded visitation in one State, then every other State must respect and enforce that court order.

This law allows loving and caring grandparents access to their grandchildren, and it allows grandchildren the important experience of sharing time with additional family members who love and care about them, their grandparents.

In my home State of Texas the percentage of children living in single parent homes has increased by 33%.

Children growing up in single-parent households often do not have the same economic or human resources available as those growing up in 2 parent families. This law will make it possible for additional adults to make a difference in their lives, to offer support and love and guidance. Although some parents may have difficulties in their relationships with their adult children, a parent should not be able to sever the relationship between grandparent and grandchild—especially when the grandchildren and the grandparent have a meaningful, established relationship and the grandparents have been granted visitation.

For grandchildren, grandparents are the link to memories and family history. For grandparents, grandchildren are a link to the present and the future. This bill will allow a child to grow up with a sense of family history and with additional love and guidance.

Our children are our future and their well-being must be our focus. This bill recognizes the importance of family connection and I support it on behalf of our Nation's families and our children.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, oftentimes we hear about the partisan rancor that surrounds our dealings here, and sometimes that is appropriate because of the nature of the beast. But this is a good example of how bipartisan cooperation played into bringing this bill to the floor.

My friend, the gentleman from Massachusetts (Mr. FRANK), and my friend, the gentleman from New Jersey (Mr. ANDREWS), did good work on this; the gentleman from Michigan (Mr. CONYERS), the ranking member; the gentleman from Illinois (Mr. HYDE), chairman of the full committee. We all had our oars in the water. And with all that has been said, I guess nothing further needs to be said.

But let me say this. I would be remiss if I did not mention Debbie Laman, counsel to the committee, who worked very diligently in this matter as well. But as has been said, Mr. Speaker, the grandparent-grandchild relationship is a cherished one that should be encouraged and nurtured.

This bill before us today is designed to promote this special relationship and, hopefully, will result in the resolution of problems that presently plague not only grandparents but children and families across our land.

I urge passage of this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HAYWORTH). The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 4164.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HIRAM H. WARD FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2379) to designate the Federal building and United States courthouse located at 251 North Main Street in Winston-Salem, North Carolina, as the "Hiram H. Ward Federal Building and United States Courthouse."

The Clerk read as follows:

H.R. 2379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 251 North Main Street in Winston-Salem, North Carolina, shall be known and designated as the "Hiram H. Ward Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Hiram H. Ward Federal Building and United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. KIM) and the gentleman from Ohio (Mr. TRAFICANT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. KIM).

Mr. KIM. Mr. Speaker, I yield myself such time as I may; consume.

Mr. Speaker, this resolution, H.R. 2379, simply designates the Federal building and United States courthouse located in Winston-Salem, North Carolina, as the "Hiram H. Ward Federal Building and United States Courthouse."

Hiram H. Ward is a distinguished jurist who sat on the Federal bench for more than 20 years. He was born and raised in North Carolina and served in the United States Army Air Force during World War II.

In 1972, President Nixon appointed Mr. Ward to the Federal bench for the Middle District of North Carolina. He served on the Middle District as a

judge and as a chief judge in 1988, when he elected to take senior status. However, even as a senior judge, Judge Ward continued to sit for an additional 6 years for the First Circuit Court of Appeals.

This is a fitting tribute to a dedicated public servant. I support the bill, and I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. WATT), the great baseball pitcher of the Democrat side.

Mr. WATT of North Carolina. Mr. Speaker, I want to rise in support of this bill. I was not expecting to speak in front of some of my colleagues from North Carolina who were the original sponsors of this bill. But I think all of us hold Judge Hiram Ward in such high esteem that we will all be lining up here to say some goods things about him.

I personally, when I was practicing law, had the privilege of trying at least one case in front of him that I can remember. I may have repressed some others that I tried in front of him, but I do remember at least one case that I tried in front of him. And this tribute is especially fitting to Judge Ward, because not only did he serve for a long, long period on the Federal bench, but he was actually instrumental in the design and development of this particular courthouse in the Winston-Salem area, which, actually, the courthouse is in my congressional district.

So I just want to thank the gentleman from North Carolina (Mr. COBLE), whose idea it was, and the gentleman from North Carolina (Mr. BURR), who has joined with the gentleman from North Carolina (Mr. COBLE) and myself and other members of the North Carolina delegation in support of this legislation.

But, most importantly, we want to thank Judge Ward for his long service and dedication to the Federal judiciary and encourage our colleagues to support this bill so that we can get this courthouse named for him. It is certainly a worthy venture.

I thank the gentleman for yielding me time and exaggerating my baseball exploits.

Mr. KIM. Mr. Speaker, I yield 6 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank the gentleman from California (Mr. KIM) for his assistance in developing this bill. And I want to say to my friends, the gentleman from Ohio (Mr. TRAFICANT) and the gentleman from North Carolina (Mr. WATT), I do not think you embellished his prowess. I think he did a good job on the mound and that was well-deserved.

This could develop into a turf battle, except we all get along very well, Mr. Speaker. I have extended my tentacles into a county that is represented by the gentleman from North Carolina (Mr. WATT), the gentleman from North Carolina (Mr. BURR), and the gentleman from North Carolina (Mr. BALLENGER).

I guess my coming into play in this bill is unique in that I did practice before Judge Ward and Judge Gordon when they were what I called the Dynamic Duo in those days in the Middle District. And I do not know that it has been said, but I am sure the gentleman from North Carolina (Mr. BURR) will remind us when it comes his time, but Judge Ward did receive his law degree from Wake Forest University in 1950. The gentleman from California (Mr. KIM) may have mentioned that.

During the time of years in which he was in practice, he became known as one of the most distinguished trial lawyers in North Carolina. He is highly regarded not only in the Middle District of North Carolina but the Fourth Circuit as well and, for that matter, throughout the Federal judiciary.

It has been said, Mr. Speaker and my colleagues, that a judge's temperament is as significant to his success on the bench as his academic credentials. I concur with that statement, Mr. Speaker; and permit me, if you will, to illustrate the temperament of Judge Ward.

I revert 2½ decades. It was the first day that he held court in the Middle District in Durham. I had the privilege of being there that day, and the first order of business was a naturalization ceremony in which a German woman became an American citizen. Keep in mind, this was Judge Ward's first day on the bench.

After citizenship was conferred upon her, she began to weep ever so softly and then her weeping developed into more noticeable sobbing and it became a distraction in the courtroom because it appeared that she was in obvious discomfort.

I will never forget the manner in which Judge Ward resolved that problem. He said to her, "Madam, may the court assist you in any way?" And then she continued to sob even more noticeably. Then she said to the judge, after she regained her composure, she said, "Your Honor, these are tears of joy, for the most part," she said. But she said, "I am weeping because I am happy to be an American citizen. But I am weeping also because I think of my family and friends in Germany who are not able to be here with me to share this very obvious day of celebration for me."

Judge Ward then said to her, and I remember it as if it were yesterday, he said, "Madam, most people in this courtroom are Americans as a result of residence of parents at their time of birth." He said, "You, Madam, are an American by choice." And then she began to weep even more, but those were tears of joy.

I said to a bystander when Judge Ward uttered those words, I said to him, "He has the proper judicial temperament." My words were prophetic. He did indeed express and still does his senior status.

But I appreciate the comments of my colleague, the gentleman from North Carolina (Mr. WATT). I look forward to hearing from Mr. BURR as well.

Again, I thank the gentleman from California (Mr. KIM) and his fine subcommittee and the gentleman from Ohio (Mr. TRAFICANT) for having moved this bill along. I cannot think of a more fitting tribute to a gentleman who, as a respected jurist and citizen, has contributed so much to his community and to his country.

Mr. KIM. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. BURR).

Mr. BURR of North Carolina. Mr. Speaker, I rise in support today of H.R. 2379. As an original cosponsor of this legislation, I believe this is an excellent opportunity to provide a fitting tribute to a great North Carolinian, Judge Hiram Ward.

Judge Ward is known throughout North Carolina as a distinguished veteran, attorney, and Federal judge. After his plane was shot down in a World War II mission over Burma, Judge Ward was decorated with the Purple Heart and Air Medal and soon returned to the United States dedicated to his education and his career.

Following his military service, he was quickly accepted and enrolled as a student in Wake Forest College, and not university at that time, where a course in business law became his gateway to a distinguished career as a private attorney.

Judge Ward went on to serve 20 years as a private attorney, gaining the highest respect from his peers and colleagues for his devotion, his honesty and perseverance in his work. Judge Ward's passion and dedication to his work is echoed still today by his peers and colleagues in the North Carolina Federal District Court and the Fourth Circuit. This reputation ultimately earned Judge Ward an appointment to the Federal bench by President Richard Nixon in 1972. In 1982, he became chief judge, where he would stay until 1988, when he elected to take his senior status.

Mr. Speaker, Judge Ward is a man of commitment, service, and honor. He has provided North Carolina with the kind of service and dedication that I can only hope for in our future. It is my sincere belief that the legislation currently before this House to designate the Federal Building at 251 North Main Street in Winston-Salem, North Carolina, as the "Hiram H. Ward Federal Building and United States Courthouse" is both a fitting tribute

for a man who gave so much selfless service to his country and to the people of North Carolina.

□ 1615

I thank the gentleman from North Carolina (Mr. COBLE) for his sponsorship of this legislation and for the rest of the North Carolina delegation who in a very bipartisan way supported this tribute to Hiram Ward. I think I can best say, in summation, that though we are here to rename a building in recognition to the good work and the dedication of Hiram Ward, in fact his reward has already been felt in the city of Winston-Salem and in the State of North Carolina by his accomplishments, his deeds and his commitment to the people of our great State.

I urge my colleagues to support this legislation, Mr. Speaker.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not know Judge Ward, and I never met Judge Ward, but I know the gentleman from North Carolina (Mr. COBLE), and the gentleman from North Carolina (Mr. BURR), and the gentleman from North Carolina (Mr. WATT) and the gentleman from North Carolina (Mr. BALLENGER), and we received numerous letters that our subcommittee under the diligent leadership of the gentleman from California (Mr. KIM) researched and reviewed, and not one of those was to the contrary.

So I would just like to say that I would first ask that those letters be spread upon the record, and, second of all, for brevity sake, just summarize by saying there is a unanimous agreement from all concerned on Judge Ward's outstanding contributions to our Nation and to that district court system and that I am proud to join with the chief sponsor, the gentleman from North Carolina (Mr. COBLE) and all the North Carolina delegation and the gentleman from California (Mr. KIM) in supporting this resolution. I ask that this bill be passed.

The letters referred to are as follows:

HENDRICK LAW FIRM,
Winston-Salem, NC, November 3, 1997.
Congressman HOWARD COBLE,
W. Market Street,
Greensboro, NC.

TO THE HONORABLE HOWARD COBLE: I was fortunate enough to serve as a law clerk to Judge Hiram Ward in the United States Federal Court for the Middle District of North Carolina from 1973 to 1975. It was an honor to work for a principled and intelligent judge. Judge Ward has certainly served the Middle District with distinction and integrity.

I know that he made some personal sacrifices in order to maintain his offices in Winston-Salem. I think it would be highly appropriate if the U.S. Courthouse in Winston-Salem is named in honor of Judge Ward. I understand that you are submitting legislation to this effect and wanted to wholeheartedly support this legislation. Please let me know if I can do anything to assist.

Sincerely,

T. PAUL HENDRICK.

WACHOVIA,
Winston-Salem, NC, November 3, 1997.
Congressman HOWARD COBLE,
W. Market Street,
Greensboro, NC.

DEAR CONGRESSMAN COBLE: I have just learned that you recently submitted a bill to Congress which, if enacted, would name the U.S. Courthouse in Winston-Salem in honor of Judge Hiram H. Ward. As a former law clerk for Judge Ward, I am absolutely delighted that you have submitted this bill and stand ready to support this legislation in any way that I can. For brevity's sake, and because I know it is unnecessary to do so, I will not set forth all of the reasons the courthouse should be named in honor of Judge Ward; I know that you are well aware of his distinguished career and outstanding reputation as a jurist. Suffice it to say, I cannot imagine any individual being more deserving than Judge Ward for this honor.

Again, thank you for introducing this legislation, and please do not hesitate to contact me if I may be of assistance in any way.

Best regards.

Very truly yours,

JAMES P. HUTCHERSON,
Counsel.

WACHOVIA,
Winston-Salem, NC, November 3, 1997.
Hon. HOWARD COBLE,
Member of Congress,
Greensboro, NC.

DEAR HOWARD: I have just received a letter from Fred Crumpler indicating that you have recently submitted a bill to Congress which would name the United States Courthouse in Winston-Salem in honor of Judge Hiram Ward.

I just wanted you to know I support that bill 100% and personally am very appreciative that you would submit it to the Congress.

Judge Ward is one of the finest men and clearly one of the most outstanding judges I have ever encountered, and naming the Courthouse in Winston after him would bring honor not only to him but to Winston-Salem and all members of the bar.

Thank you for your efforts in this regard. If I can be of service in any way, please do not hesitate to call upon me.

With best personal regards and good wishes, I am

Sincerely,

KENNETH W. MCALLISTER.

SARA LEE CORPORATION,
Winston-Salem, NC, November 3, 1997.
Congressman HOWARD COBLE,
W. Market Street,
Greensboro, NC.

DEAR CONGRESSMAN COBLE: I recently learned of the bill you have submitted to Congress which, if enacted, would name the U.S. Courthouse in Winston-Salem in honor of Judge Hiram Ward. Having had the privileges of serving as one of Judge Ward's law clerks, appearing as a practicing attorney in his court and serving as Sara Lee's representative as a party to cases heard by him, I wholeheartedly support your efforts regarding this bill.

Judge Ward has been a tireless servant to the Federal Courts and always has merited the respect of counsel and parties appearing before him. Thank you for working to honor him in this manner.

Yours very truly,

LEON E. PORTER, Jr.,
Chief Counsel, Personal Products.

ROBINSON & LAWING,
Winston-Salem, NC, November 3, 1997.
Hon. HOWARD COBLE,
West Market Street,
Greensboro, NC.

DEAR CONGRESSMAN COBLE: It was my privilege to serve as a law clerk for The Honorable Hiram H. Ward in 1989 and 1990. In addition to providing valuable exposure to some of the more practical aspects of trial practice, that experience gave me a deep insight into the integrity, conscientiousness, and fairness that Judge Ward personifies, both on and off the bench. I remember, and continue to be impressed by, the unanimously high regard that others held for Judge Ward, not only attorneys, court personnel and witnesses, but his colleagues in the Federal District Courts of North Carolina and the Fourth Circuit, as well. I believe that Judge Ward's level of service and commitment to the Federal Bench and to the Bar of Forsyth County and the Middle District has been, and will likely remain, without parallel.

I wholeheartedly support and appreciate your proposed legislation that would name the U.S. Courthouse in Winston-Salem in honor of Judge Ward. I cannot think of a more fitting tribute for a gentleman who has contributed so much, not only as a respected jurist, but as a citizen, to his community and to his country.

Yours very truly,

JOHN N. TAYLOR, Jr.

Mr. TRAFICANT. Mr. Speaker, I yield back the balance of my time.

Mr. KIM. Mr. Speaker, I do not have any other speakers at this time, and I, too, yield back the balance of my time.

The SPEAKER pro tempore (Mr. WATTS of Oklahoma). The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 2379.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

J.J. "JAKE" PICKLE FEDERAL BUILDING

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3223) to designate the Federal building located at 300 East 8th Street in Austin, Texas, as the "J.J. 'Jake' Pickle Federal Building".

The Clerk read as follows:

H.R. 3223

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 300 East 8th Street in Austin, Texas, shall be known and designated as the "J.J. 'Jake' Pickle Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "J.J. 'Jake' Pickle Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. KIM) and the gentleman from Ohio (Mr. TRAFICANT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. KIM).

Mr. KIM. Mr. Speaker, I yield myself such time as I may consume.

Again this resolution designates the Federal building located in Austin, Texas, as the J.J. Jake Pickle Federal Building. A former colleague, Jake Pickle was a dedicated public servant who served his constituents well during his career in this House which spanned over 30 years. He was born and raised in Texas and served in the United States Navy during World War II. He was elected to fill a vacant congressional seat in 1963 and was reelected to the seat for 15 successive Congresses.

During his tenure in Congress, Congressman Pickle was a strong advocate of civil rights issues and equal opportunities for women and minorities. He sat as Chair of the Committee on Ways and Means' Subcommittee on Oversight and Subcommittee on Social Security. It is a fitting honor for Congressman Pickle and the people he served.

I support this bill and urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield as much time as he may consume to the gentleman from Austin, Texas (Mr. DOGGETT), the new Congressman who has done an outstanding job and whose persistence ensured that this legislation and this honor is bestowed on Mr. Pickle.

Mr. DOGGETT. Mr. Speaker, my thanks to the ranking member, my friend and colleague from Ohio (Mr. TRAFICANT), and to the chairman of the committee for their favorable recommendation on this piece of legislation. It is with the greatest pleasure that I authored and now join in presenting this legislation as a tribute to the outstanding public service of Jake Pickle by naming the Federal Building in Austin in his honor.

For 31 years, from the time that I personally was a senior at Austin High School with his daughter, Peggy, until the day I was sworn in as a Congressman representing the same district here in this House in 1995, Jake Pickle was the only Congressman who ever represented me, and he did that and his representation for all of us in central Texas with the very greatest distinction. For all but 3 of his 31 years in office, the first 3, he officed on East Eighth Street in Austin, Texas, in the building that will now bear his name.

This is not, of course, the first structure in our community to bear his name. Our future in central Texas is already marked with the Pickle Research Campus and Complex at the University of Texas, and I am sure that this will not be the last such physical reminder of all that those decades of service have meant to our neighbors there in the Travis County and the broader central Texas area.

James Jerald "Jake" Pickle was born in 1913 up in Big Spring, Texas, and a few years back I had the pleasure of attending one of his many birthday parties and found that there must be something really good up there in Big Springs in the springs because there were a number of people that he went to public school there in Howard County with who were there, and they brought the same degree of enthusiasm that I have always seen in his work as our Congressman.

Jake went on to get his degree at the University of Texas in Austin back in 1938 where he served as Student Body President. He later worked as an area director for the National Youth Administration under President Roosevelt, and he served 3½ years in the Navy, as was mentioned, and I understand he even had a career as a night watchman over here in the Cannon Office Building where he later officed.

Upon returning to Austin though after World War II, he worked in radio at KVET in public relations. He served as the director of the Texas State Democratic Executive Committee and as a member of the Texas Employment Commission. It was from his position at TEC that he resigned to run for Congress in 1963.

He has established himself throughout his career as someone who is willing to stand up and be counted for what he believes in.

It was only a short time after he arrived here in Washington that he faced the challenging decision, given the times, of whether to vote for the Civil Rights Act of 1964, and he joined five other Members from the Southern States who voted for that legislation and still tells the tale of getting the call at I believe it was about 2:00 in the morning from President Johnson commending him on his support for the Civil Rights Act, and he went on the next year to support the Voting Rights Act and to continue his work on behalf of a broad range of people from our community in having opportunities for all of us to participate and share in the greatness of America. The service that he rendered was, of course, closely related to the service of President Lyndon Johnson, and President Johnson and of course still Lady Bird Johnson remain close friends of Congressman Pickle.

Naming this building in Austin in Congressman Pickle's honor is particularly important and appropriate because it was constructed during President Johnson's administration and still has there President Johnson's Texas apartment and office that he used during his Presidency, and it is preserved today in about the same fashion that he left it in 1973.

Jake has so many great stories that only he can tell in the appropriate way about the Great Society, about President Johnson and his work on that. All of it is really the stuff of political legend in Texas. He stands certainly as one of the few remaining personal historians of one have America's greatest Presidents.

Jake also distinguished himself, and I know others will speak of this, in his work on the House Committee on Ways and Means. He served as the Chair of the Committee on House Oversight where he focused on issues concerning the Internal Revenue Service, concerning the Medicare system and trying to be sure that waste and fraud were eliminated in Medicare. He also served as the chairman of the Subcommittee on Social Security back in the 98th Congress and is widely credited with shepherding through major Social Security reform that extended the life of the Social Security system.

But I think when folks back home in Texas think of him, they think not of all of his many votes and important committee work here in Congress, but they think of him as a person that, regardless of age, they call and feel comfortable in calling "Jake" because he was there when they had an individual problem or concern. His reputation for effective and efficient constituent service and community involvement is absolutely legendary. He set the highest standard for any Member of Congress, certainly for me, to emulate.

Not only did he engage in tireless advocacy on behalf of his constituents, he also deserves a reputation for giving selflessly of his time and seemingly boundless energies for our community.

Recently Jake and his daughter Peggy Pickle have authored a book about his life and reflections on his service here that many of our Members have obtained. It is a book that contains many wonderful anecdotes about Congress, LBJ and Texas politics, and it makes very clear his philosophy. He not only felt that each of us have a responsibility to one another, but that government has a responsibility to each of us to be fair and to be compassionate. He viewed that responsibility as both a duty and an honor, and while he never took himself too seriously and always had that great sense of humor that he brought to his work, he took this duty as a representative of government very seriously indeed, and he still does.

These days, while Jake is retired from Congress, he is hardly retiring, but he is working very hard there in Austin. He has continued energetic involvement particularly in questions involving our transportation system. He is invaluable. He continues to inspire us and to provide great counsel to many of us who serve in public office.

Based on these and other accomplishments that are too numerous to mention, I know that Congress will move

promptly to name the Federal Building in Austin in Jake's honor, and short of having the security guards there pass out those plastic green pickles that all of us have to everyone who enters, I cannot think of a more fitting way to remind future generations of Texas how much he has really done for us. With 31 years of service to this community and to its people, J.J. "Jake" Pickle deserves nothing less than this very permanent memorial.

Mr. KIM. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. Mr. Speaker, I would like to follow up on the words of the gentleman from Texas (Mr. DOGGETT) and talk a little bit about Mr. Pickle.

I am honored to be able to stand here and endorse the naming of this Federal Building in Houston in the name of J.J. "Jake" Pickle. As my colleagues know, many times this is a now community, out of sight, out of mind, because there is so much going on here. But it is not so with Jake Pickle. He was a real hero.

He was, first of all, as others have said, a national hero, having been a great member of the United States Navy during World War II; certainly a congressional hero in terms of the legislation which he was part of, passed, supported and also his work on the Committee on Ways and Means.

I am not a resident of Austin, Texas, but I remember going down with the Committee on Ways and Means, and Jake was our host, and he is a real folk hero in that area. I can understand it, having known him and worked with him, but one has to go down there to see it to appreciate his association with that great community and the people in it.

Also, frankly, he is a personal hero. I worked with Jake in many different ways. The one I think I remember best is working with him on the Committee on Ways and Means and the Subcommittee on Oversight. The Republicans at that point were in the minority, and I was the ranking member on the minority side. That never bothered Jake. He never made a decision, and he never sort of threw his leadership around without checking with me. He did not have to, it was not necessary, but with all the discussion of bipartisanship and civility, he represented it, he lived it, he spoke it and was a wonderful, wonderful example to me.

So all I can say is, "Jake, if you ever will read the record of this proceedings, I love you, you're a great man, and you're a standard for which this institution, all of us, strive to reach."

Mr. TRAFICANT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

□ 1630

Ms. JACKSON-LEE of Texas. I thank the gentleman from California and the gentleman from Ohio both for their leadership. It may not seem that these are the most crucial aspects of our legislative business, but to each of these gentlemen, let me say that they make many people in our respective States extremely happy and extremely pleased, and give honor to those who deserve honor.

I am delighted to rise as a Texan to pay tribute to J.J. "Jake" Pickle. Many of you had the honor with serving with him, of which I did not. But I bring a special perspective to this tribute to Jake, as he is affectionately called, recognizing his service in World War II, but also recognizing his battle in the war of civil rights.

I would not be standing here today, nor would my predecessors, the esteemed and honorable Barbara Jordan, Mickey Leland and Craig Washington, for this seat was created after the passage of the 1965 Voter Rights Act. This was the first seat that elected an African American to the United States Congress since reconstruction from the State of Texas, and certainly the first seat that elected an African American woman from the deep South to go to the United States Congress.

Do not let anyone tell you that this was an easy choice for Jake Pickle; but for him it was the right choice, and he believed in what he did, and he continued to believe in the equality and the freedom and justice for all.

He was not on the Committee on the Judiciary, and as I noted, he was from the deep State of Texas, the Yellow Rose State, and, for many, that could have been the appropriate cover not to vote for any civil rights during the time he did. But Jake Pickle saw the right way, and he recognized the deep segregation in Texas and realized that it was wrong.

Jake, I pay tribute to you, and I thank the gentleman from Texas (Mr. DOGGETT) for his leadership on giving to Jake his flowers before his end.

He is vibrant all right, and he is leading us in many different ways. He was proud to be an American, proud to be a Texan, and, yes, he is proud to be a Democrat. He served in the United States Congress for 31 years, and he took some very serious votes and did some great works as a member of the Committee on Ways and Means. As a Congresswoman from the 18th Congressional District, a district that is only one of two that has elected an African American from the State of Texas, knowing that we all are created equal, my special thanks to Jake for his vote for the 1964 Civil Rights Act and his vote for the 1965 Voters Rights Act.

While he was visiting the White House, as I close, he was meeting with President Johnson and Jack Valenti, and Jack thanked him for his vote on the 1964 Voter Rights Act, and he said, "Mr. President Johnson, well, it was a tough one, and I am sure glad that it is over."

President Johnson was listening, and he said "Jake, that was a tough vote, but you will be in Congress for another 20 years," and, of course, as I said, Jake was in Congress for 31 years, "and you will probably have a civil rights vote every year from now on. We have just started civil rights reform, and we are 200 years behind. We have a long way to catch up. So don't think for a second you have got your vote behind you."

As usual, the President, President Johnson was right, and the fight did go on. And I can assure you, our friend Jake was right there in the midst and helped create for us many victories that declared that we all are created equal and we all stand equal under the sun.

Thank you, Jake, and congratulations on this honor. I support this legislation and look forward to seeing Jake in future years taking his rightful place as one of our true American heroes.

Mr. KIM. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I am pleased to rise in strong support of naming the Federal building in Austin, Texas, after our good colleague, former colleague, Jake Pickle, who we honored in Washington very recently; not only a veteran in our military, but a veteran in the House, and did so much for so many, particularly for our seniors. It is a great honor and a privilege to join in the debate supporting the naming of the Federal building in his honor.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding me time and thank the chairman and ranking member of the subcommittee for bringing this bill to the floor.

Jake Pickle was a student of the "old school of politics." Raised in the small Texas town of Roscoe, Jake never forgot his rural roots. Jake belongs to a dwindling group of Texas politicians who were the protegees of another great Texan, President Lyndon Baines Johnson. In fact, Jake represented the same Texas district as President Johnson had once before and our colleague, the gentleman from Texas (Mr. DOGGETT) now represents. In fact, as the gentleman from Texas (Mr. DOGGETT) was telling me, that district used to run not just around Travis County, but ran all the way to Harris County at the time that Jake was first elected.

He wore many hats during his political career, serving as a campaign manager, Congressional aide, Congressman and an adviser to LBJ. After graduating from the University of Texas at Austin, he became the area director of

the National Youth Administration. He then went on to serve 3½ years in the Navy in the Pacific during the Second World War.

When he got back, he went into the radio business in Austin and then reentered politics in 1957 as the director of the Texas State Democratic Executive Committee, which at that time was considered a contact sport.

In 1961, he was appointed a member of the Texas Employment Commission, resigning in 1963 to run for Congress. Some could say that it was the pickle-shaped campaign pins and recipe books that got him elected in 1964, but that would only be a small part of his success. It was Jake's great sense of knowing what the people want from their government that got him elected. His decades of experience in the public service prior to being elected to office gave Jake the tools he needed to be a Congressman. His warm personality and natural leadership skills made him a legend. I might add that having Beryl probably made the district.

As a member of Congress, where he served on the Committee on Ways and Means, Jake managed to involve himself in just about every major issue in his committee, from Social Security to trade to the complete revision of the Tax Code in 1986.

As chairman of the Committee on Ways and Means Subcommittee on Oversight and the Subcommittee on Social Security, Jake exercised broad mandate. In 1983, as the chairman of the Subcommittee on Social Security, Jake was convinced that the way to save the Social Security System from a long-term collapse was to raise the retirement age. While others wanted to solve long-term financing problems with eventual increases in the payroll tax, Jake unexpectedly prevailed on the floor in what was the most impressive and significant victory of his career, and what was then the Pickle-Pepper amendment to the Social Security reform bill.

Jake fought long and hard for the elderly. The effort in 1983 to save Social Security is the best example of the many attempts to improve their lives. To Jake, the elderly were the backbone of our society, helping America stand tall. For this reason, he did everything he could in Congress and in his committees and subcommittees to ensure the elderly would receive proper care and maintain financial stability.

Every once in a while one can find a leader and a politician as great as Jake Pickle. I have to say, while I did not have the opportunity to serve with Mr. Pickle as a Member of the House, I did have the opportunity as a member of the staff to the House during his tenure here. It was something that every year when the Texas State Society, which continues to meet on Fathers Day for its annual Fathers Day picnic, Jake and Beryl would be out there. And while I did not get to serve with them, I did get to play horseshoes with them on a couple of occasion. That is how he was every year of his service for the 31 years he was here, and even today, when he comes back to visit us and join us at the weekly Wednesday Texas Delegation Lunch to tell us how things were done before he was in Congress, while he was in Congress, and how we ought to be doing them now. I congratulate the chairman and ranking member for bringing this bill.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I know Jake Pickle, I served with Jake Pickle, and I know that Jake Pickle is deserving of this honor, and I am, too, proud, as other colleagues have spoken, to be a part of this legislation.

One thing about Jake Pickle, he was not yellow. He had a backbone, not a wishbone, a backbone, and very few of us may realize the pressure he had when he was one of only five Southern leaders to pass President Johnson's Civil Rights Act of 1964, amidst great pressure and attacks from those who thought otherwise.

Men like Jake Pickle have created an opportunity for all Americans that were not gifted with an automatic entry into our mainstream. But I want to just make a few comments on the Congressman that I knew, and how he helped me personally in a couple areas where we changed IRS law.

He helped me to pass legislation that requires the IRS to have a training program for all their agents so they do not abuse our taxpayers. Also he helped me pass legislation that allows an abused taxpayer now to sue the IRS. Then Jake worked on legislation with me and others to raise the limits for such lawsuits from $100,000 to $1 million. He also helped to promote, over a period of years, my legislation to make it tougher for the IRS to seize our property and to help us change the burden of proof in a civil tax case that has recently been passed with the help of Republican leadership, and I am appreciative of that.

Jake Pickle may be watching. If he is, thank you, Jake. Thanks for all you did for the American people, and thanks for your tough and courageous stand. You are most deserving of this honor and tribute.

Mr. GREEN. Mr. Speaker, I rise in strong support of H.R. 3223, a bill designating the J.J. "Jake" Pickle Federal Building in Austin, Texas. This is a fitting tribute to a unique Texan and former Member of Congress.

Congressman Pickle is a legend even by Texas standards. He put himself through college during the Depression, worked for President Roosevelt's National Youth Administration, served in the Pacific during World War II, started a radio station in Central Texas, and represented Texas' Tenth Congressional District from 1963 to 1995. During his long and distinguished career in the Congress, Jake Pickle prided himself as a protector of small businesses and a specialist in the Social Security system.

Over the years, Congressman Pickle managed to involve himself in every major issue that confronted the Ways and Means Committee, from Social Security to trade to the complete revision of the tax code.

During the 98th Congress, Jake Pickle chaired the Ways and Means Social Security Subcommittee. As chairman of that subcommittee, he was convinced that the way to save the Social Security system from a long-term collapse was to raise the retirement age. Democratic leaders, including Thomas P. O'Neill and Claude Pepper, wanted to solve long-term financing problems with eventual increases in the payroll tax. Few expected Pickle would prevail on the floor, but he did.

Through months of argument over what to do about Social Security, Pickle and Pepper were the spokesmen for two diametrically opposite points of view. During floor consideration, the House chose Jake Pickle's approach, which later became law. This victory represents the culmination of a long personal struggle for Jake Pickle to put the Social Security system on a sound personal footing.

Most everyone knows Jake Pickle as a political protege of President Lyndon B. Johnson. Congressman Pickle was a campaign manager and a Congressional aide to Johnson before World War II and an advisor in Johnson's 1948 Senate campaign. Jake always spoke reverently about President Johnson and his commitment and dedication is a testament to their friendship.

Congressman Pickle is also known for his storytelling ability. In 1997, shortly after his retirement from the United States House of Representatives, Jake Pickle wrote a book with his daughter in which he recalled some of the many adventures he has had during his political career. One of my favorite is featured in Chapter 35 of *Jake:*

In 1957 or 1958 Governor Price Daniel and I were in El Paso attending a state democratic Executive Committee meeting. About that time the state of Chihuahua and Texas were instigating a program to eradicate the yellow boll weevil. So the Governor was in El Paso to officially give credence to the boll weevil eradication program as well. Jean Daniel was in El Paso with her husband.

Our party stayed at El Paso's Del Norte Hotel, the finest in town. One night after our meeting, Price and Jean, Hazel and Bob Haynsworth, and I decided to go across the border to Juarez.

The Haynsworths knew a bar in Juarez with a good band and a floor show, and Bob Haynsworth called ahead to speak to the manager. The Manager was told that the Governor of Texas would be in our party, and we wished no publicity. The manager said we did him a great honor. Absolutamente! He would respect our privacy.

When our group arrived at the bar, we were seated at a big table near the band. Now, Governor Daniel was a Baptist and a teetotaler. Officially, he never drank. But he liked Cokes. Every time we went someplace people would offer Daniel a drink, and he'd always decline, saying, "Well thank you, but I don't drink." People expected this, but always felt they had to offer the governor a drink anyway.

But sometimes Daniel would add, "I'll take a Coke, though. Jake, why don't you get me a Coke?" And I would—but I'd have the bartender pour a shot of bourbon in it. Daniel never mentioned the bourbon—but he always asked me to get his Cokes. It was a little game we played for years, one which allowed Daniel to follow his religion, but enjoy a little socializing with a clear conscience.

However, Coke or no Coke, the last thing Daniel wanted was to be recognized in a bar, even a Mexican bar with no constituents.

Everything went fine for a few minutes. Then the band, which had been playing lively Mexican melodies, suddenly stopped, then executed a drum-roll flourish. The Governor and I looked at each other and thought, "Uh oh." He sank lower in his seat.

Then the bandleader announced into the mike, "We are proud to have with us tonight the Governor of the State of Texas"—Another drum roll—"the honorable Price Daniel!" Amid the fanfare, a white spotlight swept the dark bar and came to rest on our table.

Nobody moved. Daniel kept his head down.

Again, the announcer said, "Damas y caballeros, permitanme presentarles el gobernador del estado de Tejas!" Another drum roll and the bright spotlight on our table.

Still no movement from Price.

With the spotlight still on us, a third time the announcer called, "Please! Will the Governor of Texas stand and be recognized?"

Finally Jean leaned over and whispered urgently, "Jake, for goodness sake, will you do it?" And Daniel said, "Jake, I bet you've always wanted to be Governor—here's your chance."

So I got to my feet and grinned and waved to thunderous applause, as the band struck up "The Eyes of Texas." I must admit, I got a great reception.

Boll weevils and politicians. We're jus' lookin' for a home.

Mr. Speaker, I am proud to have served with Congressman Jake Pickle and will be forever grateful for his friendship. This designation is only a small token of our appreciation to a dedicated public servant.

Mr. ARCHER. Mr. Speaker, I rise in strong support of H.R. 3223, to designate the Federal building located at 300 East 8th Street in Austin, TX, as the "J.J. 'Jake' Pickle Federal Building."

It is a well deserved honor for a man who selflessly served his country in a multitude of ways over many years.

I was pleased to serve alongside Jake not only as a member of the Texas Congressional Delegation, but also on the Ways and Means Committee. His integrity, compassion and unswerving sense of right and wrong remain as sterling examples of the standard to which every public official should strive.

I join my colleagues and the American people in gratefully honoring the life, the contributions and achievements of Jake Pickle, a cherished friend, a loyal Texan and a selfless public servant.

Mr. TRAFICANT. Mr. Speaker, I yield back the balance of my time.

Mr. KIM. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. KIM) that the House suspend the rules and pass the bill, H.R. 3223.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DICK CHENEY FEDERAL BUILDING

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3453) to designate the Federal Building and Post Office located at 100 East B Street, Casper, WY, as the "Dick Cheney Federal Building".

The Clerk read as follows:

H.R. 3453

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF DICK CHENEY FEDERAL BUILDING.

The Federal Building and Post Office located at 100 East B Street, Casper, Wyoming, shall be known and designated as the "Dick Cheney Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal Building and Post Office referred to in section 1 shall be deemed to be a reference to the "Dick Cheney Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. KIM) and the gentleman from Ohio (Mr. TRAFICANT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. KIM).

Mr. KIM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution designates the Federal building and post office located in Casper, WY, as the Dick Cheney Federal Building. As a former Member of this body and a former Secretary of Defense, Dick Cheney has served this country and distinguished himself in both the executive and legislative branches of Federal Government. He served in the administrations of Presidents Nixon, Ford, and Bush. As head of the Department of Defense, Secretary Cheney presided over a number of historical operations, including Operation Just Cause in Panama and Operation Desert Storm in the Middle East. For his service during Desert Storm, President Bush awarded Secretary Cheney the Presidential Medal of Freedom on July 3, 1991.

In addition to his career in the executive branch, Dick Cheney was elected to the House of Representatives in 1978, representing the State of Wyoming. At the end of his first term, he was elected to serve as the chairman of the Republican Policy Committee. Congressman Cheney was reelected to serve in the House for five more consecutive terms. He became the chairman of the Republican Conference and House minority whip during his tenure.

For such a distinguished career and dedicated service to his career, this is a fitting tribute to Secretary Cheney. I support this bill and urge my colleagues to support the bill.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I knew Dick Cheney and served with Dick Cheney and am proud to be here today associated with this honor being paid to the former Secretary of Defense. I would just like to say that under his stewardship and leadership, two of the largest, most recent military campaigns, and, I might add, most successful, perhaps, in our recent history, that was Operation Just Cause in Panama and Operation Desert Storm in the Middle East, were under his stewardship.

□ 1645

His leadership was not only positive but powerful for all of us that knew him. When he said something, he meant it. Everybody recognized that, no one debated it, and no one had to argue the point.

He was well liked. In addition to this stern, strong leadership, he possessed a genuine sense of humor and did much to advance the Armed Services of the United States of America, and everyone who worked with him and interacted with him not only respected him, they liked him very much.

So I want to just join today and say that I am proud to be a part of that, proud to be able to vote on this legislation, and urge everyone to vote for it.

Mr. Speaker, I yield back the balance of my time.

Mr. KIM. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, it is a great pleasure for me to rise here today in support of passage of this legislation designating the Dick Cheney Federal Building in Casper, WY. I should note that by naming this building after Dick, in some respects we are passing on a family heritage. Dick's father worked in that building when it was first opened, when it was a brand-new building. So I am very grateful, and it has special meaning to those of us from Wyoming.

As my colleagues may know, I introduced the bill in March to rename the Federal building and post office in Casper, WY, in recognition of Mr. Cheney's many contributions to our country. I can think of no one who is more deserving of this honor. Dick has served this body in a number of capacities, including policy committee chairman, conference chairman, and minority whip. He also very ably served our country as Secretary of Defense in the Bush administration and received the Presidential Medal of Freedom for his leadership during Operation Desert Storm.

Mr. Speaker, there are few things in our lives that happen where we remember forever and ever where we were sitting and what we were doing when a

national event occurred. The tragic death of President Kennedy was one of those things for me. When Anwar Sadat was assassinated, that was another thing for me.

I remember very well when Operation Desert Storm started. I was in the State legislature in a committee meeting in the Capitol, and the news came in that the bombing had started, and I remember having brothers that served in Vietnam and thinking about the young people that were there. I remember thinking, well, thank you, God, that Dick Cheney is in charge of those troops over there, because they could not be in better hands, and I truly felt that way, and I believe that today.

I know my colleagues will join me in thanking Dick for his leadership, for his statesmanship, but, most of all, for his friendship. I would also like to thank the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from California (Mr. KIM), and the Committee on Transportation and Infrastructure staff for working with me to enact this legislation. I urge the Senate to act on it expeditiously and hope that when it comes before that body that it will come into law.

Mr. KIM. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I rise in strong support of this legislation to name the Federal building in Casper for our former colleague, Dick Cheney. I thank the chairman for yielding me this time.

The gentlewoman from Wyoming has pointed out Dick Cheney's meteoric rise within Republican ranks of leadership here in the House of Representatives. In all probability, he now would be the Speaker of the House of Representatives if he had stayed here, if he had not answered the call of the country to serve as our Secretary of Defense, and he served there so ably with such a distinguished record.

Dick Cheney's competence was recognized by all as soon as he arrived here. I can recall that, directly, since he and I were first elected in the 96th Congress and served the first 4 years side by side on what was then called the House Committee on Interior and Insular Affairs.

He was born in my district in Lincoln, NE. His father was an employee of the U.S. Soil Conservation in Nebraska before he moved to Wyoming with Dick and his mother. They lived in a small central Nebraska town during World War II when Dick's father was serving in the military.

Dick Cheney has sometimes told me in the past when he came into my district or when I visited him in his district, "Doug, if I stayed in Lincoln, of course, I would be the Congressman." He would be. And I would be? "Well," he said, "I don't know what you would be." So Dick Cheney's departure to Wyoming was probably fortunate for me and undoubtedly for the citizens of Wyoming.

But I must say, as I watched Dick Cheney in this body and watched his competence already demonstrable in the earliest stages of his career here in the House, because of his service as the White House Chief of Staff and earlier at the OEO where he worked for Dick Rumsfield, I think that I and everyone else who knew Dick were quite impressed with him. He was my candidate to be the President of the United States; I wish he had made that effort.

In any case, he brought great honor and respect to this body for the contributions that he made here, and I thank my colleagues, particularly the gentlewoman from Wyoming, for offering this legislation. Naming the Federal Building in Casper for the Honorable Richard Cheney is a wonderful tribute that ought to be due to our former colleague, Dick Cheney.

Mr. KIM. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. GILMAN), our chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in strong support of the gentlewoman's measure, the gentlewoman from Wyoming, in honoring Dick Cheney by naming the Federal building and post office at Casper, WY, in his name.

As a former White House Chief of Staff, as a former Member of the Congress, former Republican Chairman in the Congress, former Secretary of Defense, I can think of no more appropriate honor that we could give to Dick Cheney for his service to our Nation, and I am pleased to rise in support of the measure.

Mr. KIM. Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. KIM) that the House suspend the rules and pass the bill, H.R. 3453.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3453, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AGRICULTURE EXPORT RELIEF ACT OF 1998

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2282) to amend the Arms Export Control Act, and for other purposes, as amended.

The Clerk read as follows:

S. 2282

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Agriculture Export Relief Act of 1998".

SEC. 2. SANCTIONS EXEMPTIONS.

(a) EXEMPTION REGARDING FOOD AND OTHER AGRICULTURAL COMMODITY PURCHASES.—Section 102(b)(2)(D) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)(2)(D)) is amended as follows:

(1) In clause (i) by striking "or" at the end.

(2) In clause (ii) by striking the period and inserting ", or".

(3) By inserting after clause (ii) the following new clause:

"(iii) to any credit, credit guarantee, or financial assistance provided by the Department of Agriculture to support the purchase of food or other agricultural commodity.".

(b) DESCRIPTION OF AGRICULTURAL COMMODITIES.—Section 102(b)(2)(F) of such Act is amended by striking the period at the end and inserting ", which includes fertilizer.".

(c) OTHER EXEMPTIONS.—Section 102(b)(2)(D)(ii) of such Act is further amended by inserting after "to" the following: "medicines, medical equipment, and".

(d) APPLICATION OF AMENDMENTS.—The amendment made by subsection (a)(3) shall apply to any credit, credit guarantee, or other financial assistance provided by the Department of Agriculture before, on, or after the date of enactment of this Act through September 30, 1999.

(e) EFFECT ON EXISTING SANCTIONS.—Any sanction imposed under section 102(b)(1) of the Arms Export Control Act before the date of the enactment of this Act shall cease to apply upon that date with respect to the items described in the amendments made by subsections (b) and (c). In the case of the amendment made by subsection (a)(3), any sanction imposed under section 102(b)(1) of the Arms Export Control Act before the date of the enactment of this Act shall not be in effect during the period beginning on that date and ending on September 30, 1999, with respect to the activities and items described in the amendment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Indiana (Mr. HAMILTON) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2282, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it has been long-standing American policy to penalize nuclear proliferators. In fact, the so-called "Glenn amendment," which we are modifying today, was supported by the Clinton administration and was adopted by the 103d Congress.

This bill, as amended, would permit taxpayer financing of certain commodity shipments to India and to Pakistan. It was approved in a slightly different form by unanimous rollcall vote in the other body. It extends an existing exemption for food assistance already contained in the law to financing food shipments. It also changes the definition of agricultural products and extends an exemption to include medicines.

The bill is necessary because, after extensive review, the Justice Department concluded that the law prohibits export credit guarantees for Pakistan. In response, we are making the necessary adjustments and showing ourselves capable of responding in a timely fashion to adjust these laws, if necessary.

We have made, in consultation with the Agriculture Committee, a series of changes to the Senate-passed bill. First, we have removed the provision that provided that spending to carry in effect the bill would be emergency spending under the Budget Act. Because we did not want to designate this as emergency spending, we have followed the pattern of the Nethercutt Amendment to the Agricultural Appropriations bill which makes this change only through September 30, 1999. Finally, there were several technical changes. I appreciate the work of the Committee on Agriculture and its staff in putting this amendment together.

In fiscal year 1997, Pakistan bought $347 million worth of U.S. wheat with USDA export credit guarantees. In fiscal year 1998, Pakistan was allocated $250 million in export credit guarantees and has used $162 million of that amount, all for wheat.

On July 15, Pakistan will hold a tender for 350,000 metric tons of wheat. Without export credit guarantees, the U.S. will not be able to secure that market for our farmers, which is worth some $37 million. The taxpayer subsidy will be $7 million in 1998 and $24 million in 1999.

Members should not lose sight of the fact that we are weakening the sanctions put in place against India and Pakistan on account of their having conducted numerous nuclear tests. These tests have only served to increase tensions and instability in south Asia.

I anticipate that today's debate may become a debate about our nonproliferation laws, but we should be careful about proceeding piecemeal to dismantle any of those laws. The credibility and effectiveness of our policies depends on our capacity to penalize nations which defy international norms and undermine our own national security.

I want to make clear that I am pleased that we can help our farmers by enacting this legislation. Food should not be any weapon in foreign policy.

But I also want to say that all Members should be aware of what we are doing today. We are approving United States loans funded by taxpayer dollars to replace the money that the Pakistanis could have used to take care of their own needs. Instead, they used that money to develop nuclear weapons.

I am confident that some Members will say that this bill is evidence that we need to rethink and rewrite all of our proliferation sanction laws. They will argue that our laws are ineffective and have not accomplished the purposes for which they were intended. They may even argue that our sanction laws are counterproductive.

Well, I fully disagree. There is definitely a role for both unilateral and multilateral sanctions, and I believe that they deterred India and Pakistan for many years from taking the steps they finally took earlier this year.

Many of the statistics and arguments you may hear today about how sanctions don't work and cost hundreds of thousands of jobs are gross exaggerations. For example, the Congressional Budget Office did work at the request of Mr. HAMILTON and myself on the impact of sanctions. Their estimate is that the actual impact of sanctions on the economy may be closer to $1 billion per year than the $15 billion often asserted in this debate. I happen to believe that $1 billion is not too much to spend to help keep Iraq, Iran, and other countries that would exploit our technology against their neighbors under some sort of control.

Just as we do not throw out the criminal code or abolish the police when we find that crime occurs, we should not give up the deterrent effects built into our nonproliferation, technology control, human rights and other foreign policy laws, even though they are not airtight.

Often it is argued that only multilateral sanctions work. Well, Members will recall that, following the G–8 summit in May, the President said he could not assert that it would have made a difference if he had been able to persuade the G–8 to sanction India. I have a hard time believing that the President really thinks that. In my view, he was merely rationalizing a failure to lead.

Had the President worked harder for a multilateral firm response, we would not be here today. In fact, Pakistan may not have tested. But we are where we are today, and we have to adjust to the situation we face today. We do not want our farmers needlessly penalized.

Mr. Speaker, Mr. SMITH is coming in from the airport, so at this time I will reserve the balance of my time; but, pending that, I ask unanimous consent that time be controlled by the gentleman from Nebraska (Mr. BEREUTER) on our side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of this bill, S. 2282. I think all of us understand the intent of the bill. Section 102 of the Arms Export Control Act, which is commonly referred to as the "Glenn Amendment," mandates a set of sweeping sanctions against any country that detonates a nuclear explosive device other than the five recognized nuclear weapon states.

Following the nuclear tests by India and Pakistan which they conducted last May, the United States imposed section 102 sanctions against both countries. The section 102, as currently written, exempts humanitarian assistance and intelligence activities from these sanctions.

The bill we have before us today would create one additional exemption. It would permit government financing and credits to support the sale of food, agricultural products, including fertilizers, medicines and medical equipment.

The question, of course, is why this additional exemption is needed, I think, because our experience has demonstrated that the original language of the Glenn amendment, at least in present circumstances, was too broad and sweeping in its coverage.

□ 1700

It was indiscriminate in its targets. It provided the executive branch with no waiver authority, and therefore reduced the President's ability to negotiate with the governments of India and Pakistan. It contained no termination date. It penalized the individuals and families in the sanctioned countries, with whom we really have no complaint, rather than the governments that have offended us. It required American producers and American farmers to forsake important sales that would be lost to foreign producers.

This bill should not be construed as a lessening of our commitment to nonproliferation. To the contrary, by crafting a more focused sanctions policy, it helps secure the domestic base for continuing sanctions. For that reason, I think even Senator GLENN, the author of the original sanctions legislation, supported this change when the Senate voted on it last week.

The administration supports this legislation. The Senate adopted it last week by a practically unanimous vote of 98 to zero. I want to note that we are amending the bill for technical reasons, and they support this amendment.

Creating an exception to sanctions in this bill does have budgetary consequences. The Senate passed the bill as an emergency spending authority.

We are revising it to provide for offsets. It is my understanding that there is bipartisan agreement on this amendment, and I hope that the Senate will quickly agree to the House amendment and send the bill to the President by the time that Pakistani wheat tender occurs tomorrow. I urge my colleagues to support S. 2282.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise in strong support of this legislation, and endorse my colleagues' best hopes that in fact the Senate will act expeditiously on the amended version.

On May 11, 1998, America's wheat farmers were busy working in the fields when India detonated nuclear weapons the first time. Undoubtedly our farmers had no idea that Pakistan's subsequent nuclear test, and a very questionable American sanctions policy, which failed to deter the tests, would undermine our farmers' ability to sell wheat to the countries of the Asia subcontinent.

Perhaps they were also busy in their fields in 1994 when Congress passed the Glenn amendment to the Nuclear Proliferation Prevention Act. That amendment prohibits export credit guarantees to nonnuclear countries which either develop or test nuclear weapons.

Across the Atlantic on that same day, French wheat farmers had no idea that India's detonation of a nuclear weapon might produce such a windfall for them in lost American export markets. Contrary to the United States, France does not have a mandatory sanctions law, and their wheat sales, subsidized wheat sales, I might add, can continue to Pakistan.

Today, Mr. Speaker, American wheat farmers stand to lose a 2.2 million ton wheat market in Pakistan because of our unilateral sanctions policy toward the Asian subcontinent. The stakes are high and the timing could not be worse. If Congress does not amend the sanctions law to allow U.S.-backed wheat sales to Pakistan, the French, Canadian or Australian farmers will exploit this lucrative wheat export market without American competition at a time when American wheat prices for our farmers are at their lowest point in decades and at at time when we desperately need to hold onto those export markets.

This nearly forgotten sanction legislation imposed automatically on the backs of American farmers without additional thought, is just one facet of the 61 sanction-related laws or executive orders that Congress or the administration has enacted in the last 4 years. Those sanctions target 35 countries. According to an Institute for International Economics study, economic sanctions cost American industry and agriculture combined about $15 to $19 billion annually in exports.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I want to express support for the Agricultural Export Relief Act of 1998 that is before us. This is the first effort by Congress to lift the sanctions imposed pursuant to the Glenn amendment after India and Pakistan conducted underground nuclear tests earlier this year.

While I support this legislation, I think the President needs greater discretion in lifting these sanctions. Last week the task force empowered by the Senate leadership to look at the sanctions regime put forth a proposal that would give the President greater discretion in waiving unilateral sanctions against India and Pakistan, for example in international trade and finance. It would also allow for the President to clear the way for the U.S. to support international financial institutions to resume loan payments to India and Pakistan. The proposal, however, would not allow the President to waive sanctions that limit the transfer or sale of military and dual use technology.

Mr. Speaker, I plan to introduce a House bill today that is identical to the Senate task force proposal. I believe U.S. policy has proven to be ineffective in deterring the proliferation of nuclear weapons in South Asia, and it is time that Congress review this policy and implement legislation that gives the President greater flexibility in addressing nuclear crises.

I believe we must keep working for nonproliferation, but that the economic sanctions now in place are not the best way to achieve that goal. We have limited our diplomatic options in terms of nonproliferation in South Asia while damaging the growing economic relationship between India and the United States.

The administration has conducted several senior level meetings with the Indian government since the tests. India and Pakistan have expressed a desire to work with the U.S. in resolving these issues. Later this week Deputy Secretary of State Strobe Talbot and Assistant Secretary of State Karl Inderfurth will be visiting New Delhi and Islamabad to continue discussions and negotiations. This is following very successful meetings last week between the U.S. and India in Frankfurt, Germany.

During this critical time it is important that we give the President the necessary tools to help achieve our nonproliferation goals. I urge my colleagues from both chambers to work together so we can rectify this serious problem.

Mr. BEREUTER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO), a distinguished member of the committee and a man very much focused on export issues.

Mr. MANZULLO. Mr. Speaker, I rise in support of this legislation. This bill makes sense. Tomorrow Pakistan will purchase 350,000 metric tons of wheat for $37 million. The only question remains which country will sell them this wheat.

Only U.S. wheat growers bear this heavy sanctions burden, while farmers in other countries eagerly await to seize this market from us. Did we not learn anything from the failed Carter grain embargo against the Soviet Union? The Soviets simply bought wheat from Argentina, Canada, and Australia, and it took years for U.S. farmers to regain a foothold in the Russian market.

What is good for the farm community should also be good for our manufacturing sector. Because of nuclear testing by India and Pakistan, Eximbank halted support for $4 billion in U.S. exports to those countries. That is placing 48,000 high-paying U.S. manufacturing jobs at risk, including those who work at Sundstrand and Woodward Governor in Rockford, which companies supply aviation parts to Boeing.

What kind of punishment is that to those countries that detonate? Ingersoll Milling Machine Company is trying to determine if it can still sell an $8 million four-axis machine center to a state-owned electric utility company in India.

Two Italian machine tool manufacturers not encumbered by these sanctions are standing by waiting to seize that market from the Americans. If Ingersoll does not receive an answer from the Commerce Department by July 20, we could lose that $8 million contract.

Motorola has already lost $15 million worth of two-way radio sales to India, and could lose hundreds of millions in more export opportunities to upgrade India's communication system because of the Eximbank sanctions. Three thousand employees work at the Harvard, Illinois plant making telecommunications equipment for Motorola.

That is why we need to rethink our whole philosophy towards sanctions. Why would we try to punish a country for doing something wrong, and we end up punishing our own workers, when that country in fact can end up buying the same materials from other countries?

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Speaker, I thank the distinguished gentleman from Indiana for yielding time to me.

Mr. Speaker, the bill that is under consideration is an emergency response in an emergency situation. We have seen the reemergence of an agricultural depression in this country.

Among other areas that have been hit are wheat producing communities in the Red River and west. It has hit areas of Texas. It is critical that when our producers are in financial distress, we not attempt unilateral sanctions against other countries in this world that are doomed to failure.

Unfortunately, the unilateral sanctions we have announced against India and Pakistan do not appear to be destined for effectiveness, because other countries which are competitors in selling agricultural commodities are more than willing to come in and replace American farmers as the suppliers of those commodities; in this case, wheat.

I would urge my colleagues to carefully review this situation, and understand that as much as all of us abhor the spread of nuclear weapons and nuclear testing, that what we need to make sure is that we act responsibly here and we not use a bludgeon that is designed to be ineffective, and in many cases come back and hit ourselves and inflict a mortal wound on our own producers, when what we are trying to do is to emphasize to India and Pakistan and other countries of the world that this country does not tolerate continued nuclear testing.

This bill is a bill that ought to pass today. It ought to be signed by the President yet this week. We ought to be able to go ahead and move these agricultural commodities this week so our farmers do not have this impediment to their success in 1998.

Mr. BEREUTER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Washington (Mr. NETHERCUTT), who was, of course, the Member who first took legislative action for the successful Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and related agencies on the Committee on Appropriations.

Mr. NETHERCUTT. Mr. Speaker, I thank the gentleman very much for yielding.

Mr. Speaker, I am pleased to rise in support of this bill today. As the gentleman from Nebraska (Mr. BEREUTER) stated, he and I and the gentleman from Kansas (Mr. MORAN) and the gentleman from North Dakota (Mr. POMEROY) and many others from farm country introduced this sanctions exemption legislation over a month ago in anticipation of the effect of the Arms Export Control Act upon the agriculture industry in this country.

I, representing the State of Washington, am particularly affected by the seriousness of this sanctions policy that was adopted in 1994. I must say, I was just home in Pullman, Washington, and Walla Walla and Davenport, and some of the very high quality farm wheat-producing parts of my State and our country.

I must say to my colleagues, there is great concern about the effect of sanctions upon American agriculture; most particularly, our relationship with the countries of Pakistan and India. Pakistan is a very important trading partner to the State of Washington. We export 90 percent of our wheat in our State, soft, white wheat, and Pakistan has been a very good customer.

As we in this country have learned in the 1980's with the embargo of the Soviet Union, the self-imposed embargo, the unilateral sanctions that were imposed cost my State and my region dramatically. We lost market share in that part of the world that we are still struggling to recover. I must say, I am very supportive of this bill.

We struggled with the cost issue. We passed this legislation, we not only introduced it a month or so ago but we passed it in the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies on which I serve on the Committee on Appropriations in a bipartisan way, we passed it in the full committee, and it has passed the full House. We just did not have a chance to get it worked out on a cost payment basis through the agriculture appropriations conference.

The Senate has not finished their work yet. The other body has not finished its work yet. I respect the other body for bringing this bill to the floor, but we are going to do our best to make sure that all is fair and square regarding cost.

The most important thing is if Pakistan buys wheat on the market Wednesday, tomorrow, with their tender, it is critically important that we do not interrupt that ability by Pakistan to deal with American farm interests. If we do not lift these sanctions and have it in place by today, then we lose. Our farmers are unilaterally going to lose because our market would be shut off by these sanctions in position.

I must say to my colleagues, let us struggle through the cost part of this sanctions issue and lifting the sanctions issue, but we must stand up for our agricultural interests and the farmers of my State and Nebraska and Kansas and every other State that deal with agriculture, or else our farmers are in great jeopardy.

I am pleased to speak in favor of this bill, and urge its adoption by this House.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in strong support of S. 2282. It is clear to me that the sanctions provisions of the Arms Export Control Act were never intended to limit the use of the Export Credit Guarantee Program. Nevertheless, I support clarification of the Act because of the uncertainty, as we have heard, of the U.S. wheat market.

Indeed, the Assistant to the President for National Security Affairs has recently sent a letter to the Congress indicating the Administration's strong support for this clarifying provision. In plain English, what we are saying is that it really does not make any common sense for the United States to unilaterally impose sanctions upon our producers and allow our friends and allies to make a sale.

As we have heard, the criticalness, the timeliness of this indicates we need to pass this and send this to the President for his signature very quickly.

□ 1715

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. BARRETT).

Mr. BARRETT of Nebraska. Mr. Speaker, I thank the gentleman for yielding me the time.

I also rise in support of this legislation. I do support the use of sanctions as a foreign policy tool, but I believe that the USDA has used them all too frequently.

The bill we are considering today would allow USDA to guarantee U.S. wheat sales to Pakistan and to India. Without the bill, American farmers would not be able to sell their product.

As has been mentioned by my colleagues from Illinois and Washington, Pakistan is expected to request bids for wheat very soon, possibly as early as tomorrow. This could involve nearly $40 million in sales of U.S. wheat.

I have examined the proposals to address the crisis in American agriculture, Mr. Speaker. There are some producers out there that are hurting; there is no question about it. I do not believe that the proposed solutions we are hearing about will do as much good as some believe. The so-called solutions would only rechain American agriculture to the dictatorial whims of our government.

However, the Federal Government, Congress and the executive branch, must live up to the promises of the 1996 Farm Bill or we could face a crisis. We must commit to a long-term, focused trade agenda. We need to expand our markets, enhance markets and find new markets.

It is a good bill. I hope the body will support it.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Speaker, I rise today in support of S. 2282 and ask my colleagues to support this important bill. This bill, which passed the Senate last week by a vote of 98 to 0, makes important changes in the 1994 Arms Export Control Act to allow India and Pakistan to continue to use U.S. guaranteed loans to import American food, fertilizer and other agriculture commodities.

The immediate beneficiaries of this legislation will be the wheat farmers in the Pacific Northwest who will be able to participate in the upcoming auction for 350,000 metric tons of white winter wheat to be sold to Pakistan.

While I support this legislation, I feel, unfortunately, that it does not go far enough, because it seems unlikely that India and Pakistan will be interested in purchasing U.S. agriculture products over a long term if we continue to prohibit the sale of other higher-value products to these countries.

While I have been listening to the remarks of some of my colleagues here, I find it difficult to see how we can rationalize that if it makes sense and it is in the interest of U.S. farmers to allow for their exportation of products to countries that are subject to sanctions, why does it not make sense for us to eliminate the sanctions on the production of any other U.S.-produced commodity or product?

Clearly, it is in the interest of U.S. workers and U.S. companies to eliminate sanctions that penalize our working men and women. That is why we need to go further, why we need to support the legislation introduced by our colleagues, the gentleman from Indiana (Mr. HAMILTON) and Mr. Sharp, that we can provide a better framework for future U.S. economic sanctions policy.

When we go beyond the sanctions, we have to move forward aggressively with our other trade issues and turn to the full funding of the International Monetary Fund, the passage of China most-favored-nation as well as the eventual passage of fast track authorization for the President.

I thank the gentleman for the opportunity to speak in support of S. 2282.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, I thank the gentleman from New York for yielding me the time.

The timing on this legislation is important. S. 2282 needs to pass quickly and today. We need to resolve any differences with the Senate, and this legislation needs to be signed by the President. Not only is the timing important but Pakistan is important, 350,000 tons is up tomorrow for export tender, and our wheat farmers in Kansas as well as across the country cannot afford to lose one more market.

Price is low, as we know. Storage is a problem in Kansas. Transportation is a problem in Kansas. We need to move wheat on world markets to assist in improving the price, opening up storage and moving grain in our transportation system. It is necessary to have a boost in foreign sales, and perhaps that boost will translate into higher prices for wheat sold on the markets across this country.

This sets the stage for reducing trade barriers. It opens up the opportunity, sends a clear message to the rest of the world that we care about fighting on behalf of agriculture, and it also reminds us that sanctions do not work.

The gentleman who spoke previously is correct. We need to take the next step in regard to the Agricultural Export Act and the Sanctions Reform Act.

I urge passage of this bill quickly.

Mr. BEREUTER. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I would like to thank all the Members who have worked on this measure, particularly the gentleman from New York (Mr. GILMAN), the gentleman from Oregon (Mr. SMITH) and my colleague, the gentleman from Washington State (Mr. NETHERCUTT). Without their leadership on this issue, we would not be here today considering this important measure.

Right now, the wheat producers of Washington State are facing wheat prices that are below the cost of production. This means that they can either choose to sell for a loss or store their wheat in hopes that prices will return to a higher level. Many of these growers have been waiting around for months for the price to climb. It has not. Now is the time to act.

Unfortunately, with the test of the nuclear weapons by both India and Pakistan, the Arms Control Act Mandates certain economic sanctions. Mr. Speaker, let me be clear, I wholeheartedly condemn the escalation of the arms race between India and Pakistan. I do not believe the way to send a message is to unilaterally cut off trade of our producers. That is precisely what will happen if we do not pass this bill before us today.

It is important to note that Pakistan is a number one foreign purchaser of wheat from the northwest, over 35 percent. Without the guarantees that are offered by the credits, the Department of Agriculture, Pakistan will purchase billions of dollars of wheat from other countries such as Australia and Canada. They are not bound by these outdated laws on our books.

So I would like to emphasize the timeliness of this legislation. If we do not pass this legislation today or the Senate does not follow suit immediately, our producers will be unable to participate in the upcoming rounds of purchases by Pakistan, and we will have missed another key opportunity to help our foreign farmers.

Mr. Speaker, I just want to reiterate what has been said here today. This legislation is very, very important to our agriculture industry but particularly to the wheat industry in my State.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding me the time.

I just returned today from 3 weeks in North Dakota. I want my colleagues to understand just how desperately dire the farm situation is in my State and throughout the upper Great Plains.

We are absolutely ravaged by the twin disasters of very difficult times producing a crop and then a horribly insufficient price once you get a few bushels to market. In fact, let us focus on the price problem for purpose of the debate before us.

Price adjusted for inflation for wheat is at its lowest point in 50 years, this in the face of input costs that have gone up 71 percent since 1992. Under that new farm bill, we have done terrible damage to any functioning safety net for agriculture, as the farmers in my region are so tragically demonstrating.

That means we have to do everything possible to try and get that price up. That is why I was so pleased to join the gentleman from Washington (Mr. NETHERCUTT) in initiating the legislation that is substantially what is before us this afternoon and why we must act and must act now.

The USDA has done some brilliant work using the GSM loan program to advance wheat sales. With Pakistan representing potentially 10 percent of our wheat export market, it is vital that we do not lose a day, that we do not lose one sale by virtue of having this GSM program opportunity disrupted by application of the Arms Export Control Act.

I have read that act and I, for the life of me, do not really see why we could not have gone forward with this anyway, but the administration has ruled that we needed legislation. So let us pass the legislation and let us pass it today.

We should not continue this "hurt America first" policy which is the unfortunate aspect of applying sanctions on our agriculture exports. We need this legislation. Please join me in voting for it.

Mr. HAMILTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding me the time.

I thought I would try to set some context for why the removal of this sanction is so important. Among the things that has happened that is very much on our minds are the ramifications of the Asian financial crisis. We have seen a dramatic cutback in agriculture exports from this country to Asia. One of the reasons for that reduction, of course, is not only the absolute cutback of the imports by those Asian countries, but it also reflects the fact

that the American currency versus the Australian, the Canadian and the European currencies is now more valuable; therefore, our export commodities and processed food products are less competitive in price than they were just a few months ago.

Thus we not only have an overall reduction in the imports of agriculture commodities by these countries, we actually have American exports a bit less competitive than they were. This reduction in imports and the reduced competitiveness of our exports have had a dramatic and negative impact upon our trade. That is why this legislation, before us today is so important. We especially cannot afford to lose those Pakistani or Indian agricultural export markets at this time. There is no reason why economic sanctions should fall on the backs of the American farmer. I would imagine that it was not, the intention of the original sanction legislation.

I thank the gentleman for yielding me the time.

Mr. GILMAN. Mr. Speaker, I yield the balance of my time to the gentleman from Oregon (Mr. SMITH), distinguished chairman of our Committee on Agriculture.

Mr. SMITH of Oregon. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, having just arrived from a long airplane trip from Oregon, I can tell my colleagues that the eyes of the Pacific Northwest are upon us at this time.

The urgency, I know, has been identified here, but, for instance, Pakistan is on the verge of a purchase of some 350,000 metric tons of wheat. I am sure it has been identified that sanctions were never to include food purchases and even the unintended result was voiced by the administration when the President has introduced this and supported this kind of legislation.

So, without further ado, Mr. Speaker, we hope that we can rush this along, even move it to the other body within the hour and it can become law, a great benefit, by the way, to a great country that needs to sell wheat, the United States, and a great country, Pakistan, who, by the way, is buying wheat for half the price it paid last year. Both our benefits are met.

Mr. KOLBE. Mr. Speaker, I rise in strong support of S. 2282, the Agriculture Export Relief Act of 1998. This bill will allow our agriculture exporters to continue to sell food and fertilizer to India and Pakistan, both of whom are subject to sanctions under the Arms Export Control Act for conducting nuclear tests.

Let's be clear here. This is not an argument about either of these countries conducting nuclear tests and raising tensions in this region of the world. I deplore their unilateral decisions to conduct tests, and urge both countries to comply with the nuclear non-proliferation treaty. But, without this legislation, our farmers will be shut out of these growing export markets, unable to sell their products, and thus unable to meet their own financial obligations. This could lead to job losses and bankruptcies throughout rural America.

The sad truth is that we created this problem ourselves. We enacted a sanctions law with noble purposes—among them stopping the spread of nuclear weapons. Unfortunately, this law, like most laws imposing unilateral sanctions, didn't work. It didn't stop India and Pakistan from nuclear testing. Yet our farmers and ranchers continue to pay the price.

Unfortunately, this Congress seems to be far more willing to impose unilateral economic sanctions as the foreign policy solution to practically all of our international problems. And the fact is—they rarely work! When we pull out of a foreign market or refuse to trade with foreign countries our foreign competitors love it! U.S. products are quickly and easily replaced by foreign goods while U.S. business is forced to stand on the sidelines. And, unfortunately, unilateral sanctions rarely result in the political changes we want.

Now I am not saying that economic sanctions should never be imposed. They can be an effective tool of foreign policy, particularly when applied selectively and multilaterally. But we in Congress should remember that they are just a tool—not the ultimate solution.

I would urge my colleagues to support this bill. I also hope many of you will take a hard look at a measure introduced by myself, Representative HAMILTON and Representative CRANE—the Enhancement of Trade, Security, and Human Rights through Sanctions Reform Act. Our legislation would not stop Congress from imposing sanctions, but would require a careful analysis of sanctions' costs and benefits before they are imposed. It would provide a rational, reasoned approach to our sanctions policy to help make sure that we do not find ourselves once again in the difficult situation we are trying to fix today.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the Senate bill, S. 2282, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

COMPREHENSIVE NATIONAL ENERGY STRATEGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Commerce:

To the Congress of the United States:

I am pleased to transmit the Comprehensive National Energy Strategy (Strategy) to the Congress. This report required by section 801 of the Department of Energy Organization Act (Public Law 95–91; 42 U.S.C. 7321(b)), highlights our national energy policy. It contains specific objectives and plans for meeting five essential, common sense goals enumerated in the accompanying message from Secretary Peña.

Energy is a global commodity of strategic importance. It is also a key contributor to our economic performance, and its production and use affect the environment in many ways. Thus, affordable, adequate, and environmentally benign supplies of energy are critical to our Nation's economic, environmental, and national security.

The Strategy reflects the emergence and interconnection of three preeminent challenges in the late 1990s: how to maintain energy security in increasingly globalized energy markets; how to harness competition in energy markets both here and abroad; and how to respond to local and global environmental concerns, including the threat of climate change. The need for research and development underlies the Strategy, which incorporates recommendations of my Committee of Advisors on Science and Technology (PCAST) for improvements in energy technologies that will enable the United States to address our energy-related challenges. Advances in energy technology can strengthen our economy, reduce our vulnerability to oil shocks, lower the cost of energy to consumers, and cut emissions of air pollutants as well as greenhouse gases.

This Strategy was developed over several months in an open process. Three public hearings were held earlier this year in California, Texas, and Washington, D.C., and more than 300 public comments were received. This Strategy is not a static document; its specifics can be modified to reflect evolving conditions, while the framework provides policy guidance into the 21st century. My Administration looks forward to working with the Congress to implement the Strategy and to achieve its goals in the most effective manner possible.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 14, 1998.*

□ 1730

26TH ANNUAL REPORT ON FEDERAL ADVISORY COMMITTEES, FISCAL YEAR 1997—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. BARRETT of Nebraska) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Government Reform and Oversight.

To the Congress of the United States:

As provided by the Federal Advisory Committee Act (FACA), as amended (Public Law 92–463; 5 U.S.C. App. 2, 6(c)), I am submitting the *Twenty-sixth Annual Report on Federal Advisory Committees*, covering fiscal year 1997.

Consistent with my commitment to create a more responsive government, the executive branch continues to implement my policy of maintaining the number of advisory committees within the ceiling of 534 required by Executive Order 12838 of February 10, 1993. As a result, the number of discretionary advisory committees (established under general congressional authorizations) was held to 467, or 42 percent fewer than those 801 committees in existence at the beginning of my Administration.

Through the advisory committee planning process required by Executive Order 12838, the total number of advisory committees specifically mandated by statute has declined. The 391 such groups supported at the end of fiscal year 1997 represents a 4 percent decrease over the 407 in existence at the end of fiscal year 1996. Compared to the 439 advisory committees mandated by statute at the beginning of my Administration, the net total for fiscal year 1997 reflects an 11 percent decrease since 1993.

Furthermore, my Administration will assure that the total estimated costs to fund these groups in fiscal year 1998, or $43.8 million, are dedicated to support the highest priority public involvement efforts. We will continue to work with the Congress to assure that all advisory committees that are required by statute are regularly reviewed through the congressional reauthorization process and that any such new committees proposed through legislation are closely linked to national interests.

Combined savings achieved through actions taken by the executive branch to eliminate unneeded advisory committees during fiscal year 1997 were $2.7 million, including $545,000 saved through the termination of five advisory committees established under Presidential authority.

During fiscal year 1997, my Administration successfully worked with the Congress to clarify further the applicability of FACA to committees sponsored by the National Academy of Sciences (NAS) and the National Academy of Public Administration (NAPA). This initiative resulted in the enactment of the Federal Advisory Committee Act Amendments of 1997 (Public Law 105–153), which I signed into law on December 17, 1997. The Act provides for new and important means for the public and other interested stakeholders to participate in activities undertaken by committees established by the Academies in support of executive branch decisionmaking processes.

As FACA enters its second quarter-century during fiscal year 1998, it is appropriate for both the Congress and my Administration to continue examining opportunities for strengthening the Act's role in encouraging and promoting public participation. Accordingly, I am asking the Administrator of General Services to prepare a legislative proposal for my consideration that addresses an overall policy framework for leveraging the public's role in Federal decisionmaking through a wide variety of mechanisms, including advisory committees.

By jointly pursuing this goal, we can fortify what has been a uniquely American approach toward collaboration. As so aptly noted by Alexis de Tocqueville in *Democracy in America* (1835), "In democratic countries knowledge of how to combine is the mother of all other forms of knowledge; on its progress depends that of all the others." This observation strongly resonates at this moment in our history as we seek to combine policy opportunities with advances in collaboration made possible by new technologies, and an increased desire of the Nation's citizens to make meaningful contributions to their individual communities and their country.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 14, 1998.*

BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 442 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2183.

□ 1730

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, with Mr. SHIMKUS (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Friday, June 19, 1998, pending was an amendment numbered 82 by the gentleman from California (Mr. DOOLITTLE) to amendment number 13 by the gentleman from Connecticut (Mr. SHAYS). Is there further debate on the amendment?

Mr. DOOLITTLE. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DOOLITTLE. Mr. Chairman, this is the amendment that basically protects voter guides to be distributed by groups. The Shays-Meehan bill severely chills the freedom of speech in this regard and places restrictions that will subject anybody currently distributing voter guides to second-guessing by a Federal czar, and the imposition of sanctions should the second-guessing be interpreted as a violation of the provisions of the Shays-Meehan law.

For this reason I have offered this amendment to make clear that organizations that do voter guides are exempt from the application of this law and may continue to issue their voter guides without fear of chilling their freedom of speech or of being intimidated. And the intimidation that I am talking about is the intimidation of having to spend $400,000 or $500,000 in attorneys' fees and months of disruption of schedules preparing for depositions, et cetera, for the act of exercising their right of free speech protected by our United States constitution, and which I feel the Shays-Meehan bill impinges upon. For that reason I have offered this amendment.

I have, Mr. Chairman, an illustration of a voter guide. If I may, I am going to switch positions here to bring that up and illustrate it. This is an illustration of a 1994 Christian Coalition voter guide for the Iowa Congressional district, district number 4, the district of the gentleman from Iowa (Mr. GANSKE). This is distributed, as I am sure Members know, typically in churches.

The Christian Coalition describes itself as a pro-family organization. This includes different positions on issues, from Federal income taxes, the balanced budget amendment, taxpayer funding of abortion, parental notification for abortions by minors, voluntary prayer in public schools, homosexuals in the military, promoting homosexuality to schoolchildren.

Now, the Shays-Meehan language that my amendment seeks to replace says that an organization can only do voter guides in an educational manner, and in a way that no reasonable person could conclude that that group is advocating the election or defeat of a candidate. Well, it is quite clear from the context of this voter guide, it is distributed in churches, and the Christian Coalition describes itself in a statement down here, as a pro-family citizen action organization, quote-unquote.

So when we take those words in context, then, when they rank somebody as having a position on homosexuality in the schools or on abortion, that ranking could be interpreted by the Federal czar as advocating the defeat of a candidate and, therefore, as being proscribed. My amendment just protects this voter guide.

And I have heard several supporters, or I understand several supporters of Shays-Meehan have indicated in their opinion that this type of thing could continue to be distributed. I am just

saying that based on the reading of the law as being proposed by Shays-Meehan and their supporters, it would not be allowed. That is why I am offering my amendment, to make clear that this can be allowed, so that organizations who do voter guides can characterize the positions of the candidates.

The gentleman from Texas (Mr. DELAY) is going to bring up here another one from the NAACP, and that has zeros and heroes, I believe is the characterization. I think that ought to be able to continue to be allowed. It would be proscribed under Shays-Meehan. And for that reason, I think it needs to be amended in the way that I have proposed in order to allow the unfettered discussion to occur near election time by organizations exercising their first amendment rights to comment on candidates and on elections.

And that basically, Mr. Chairman, is the purpose of my amendment.

Mr. CARDIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, what the previous speaker was indicating with the voter guide can easily be made available under the Shays-Meehan bill. It is not a problem in getting that type of voter guide out. It easily can be done, either in the method it is, or by very minor modifications. The problem with the amendment before us is that it would allow almost anything to be sent out and would gut the protection on express advocacy in the Shays-Meehan bill. That is the reason why we must oppose it.

There is already a provision in the underlying bill that allows for voter guides. Voter guides are permitted if they present information in an educational manner solely about the voting record or position of a candidate on a campaign issue of two or more candidates, that is not made in coordination with the candidate's political party or agent of the candidate or political party. There are specific provisions in Shays-Meehan that would allow it.

The amendment before us would gut an essential provision in the bill. It would not allow voter guides, it would allow just about any type of express issue advocacy without the restrictions that are currently contained in the Shays-Meehan bill.

Mr. Chairman, what we are trying to do here is bring forward a reasonable campaign finance reform proposal that has bipartisan support, that deals with issue advocacy, that deals with soft money, that deals with some of the other problems that we all agree need to be addressed. The Shays-Meehan bill will do that. The amendment before us does not permit voter guides, the amendment before us would gut the provision that deals with issue advocacy in the underlying bill.

If there was a need to adjust the language for voter guides, let us talk about it. But that is not what this amendment would do. Voter guides are permitted under the underlying bill. This amendment is unnecessary. It jeopardizes the ability for a bipartisan bill. I urge my colleagues to reject the amendment.

Mr. SHAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first I wanted to say to my colleagues that this afternoon we continue the effort to restore integrity into the campaign process. The substitute proposed before the chamber, the Meehan-Shays proposal and McCain-Feingold in the Senate, seeks to ban soft money, the unlimited sums by individuals, corporations, labor unions and other interest groups. It seeks to recognize sham issue ads as they are, campaign ads, and put them under the campaign law. It seeks to codify Beck. It seeks to improve the FEC disclosure and enforcement. It seeks to ban district-wide franking 6 months to an election. And it seeks to ban foreign money and fund-raising on government property.

We have an amendment before us right now which basically seeks to gut the second part of our proposal dealing with the sham issue ads. Now, the voter guide that the gentleman from California (Mr. DOOLITTLE) put forward is legal under Meehan-Shays. The language in our bill is clear. In printed communication the term express advocacy does not include. In other words, it is not a campaign ad, does not come under the campaign law if it is a printed communication that, one, presents information and educational matter solely about the voting record or position on a campaign issue of two or more candidates, and, two, that is not made in coordination with a candidate, political party or agent of that candidate or party, or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent. That voter guide is not done in coordination. It is showing the voting record of a candidate.

What the gentleman from California seeks to do is take out the very language that I read that is in the Meehan-Shays substitute. So we need to recognize that, one, he is incorrect when he states it would not allow for the voter guide. It would. And the language is in our substitute to allow it. He, in fact, seeks to take it out.

Mr. Chairman, we have lots of amendments that are going to come before us, and it is difficult to try to describe amendments that are totally gutting of our proposal; those that, while we would recommend they not pass, would not do serious harm. There are others that would actually maybe help the bill and we would urge their being supported. This is an amendment, however well intended, that is gutting Meehan-Shays, which would then break down the coalition that exists of a majority of Congress to pass Meehan-Shays, and it needs to be defeated. It would gut the sham issue ads.

The sham issue ads are those ads that are clearly campaign ads. They are the ads that seek to have someone vote for or against an individual, and they should come under the campaign law. When they come under the campaign law, those groups can advertise and encourage someone to vote for or against, but they do it under the campaign law.

So I sincerely request this chamber and the Members who are paying attention outside this chamber to recognize that the Doolittle proposal is a gutting proposal. It would destroy the integrity of the Meehan-Shays amendment and would not do what it says it would do. And what it says it would do is the allow for the voter guides. In fact, the bill presently allows for voter guides.

Mr. LEVIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this Congress is on trial. With each election, big money is talking bigger and the voice of the average citizen is growing smaller.

This amendment, as has been said, is not essentially about voter guides. The caption says it is about voter guides, but it goes way beyond it. It says the term express advocacy, and we are now talking about these ads that are really campaign ads, that it shall not apply with respect to any communication which provides information or commentary on the voting record or positions on issues taken by any individual holding Federal office or any candidate for election for Federal office unless the communication contains explicit words expressly urging a vote for or against any identified candidate or political party. So this, as the gentleman from Connecticut (Mr. SHAYS) has said, guts the express advocacy provisions of this bipartisan bill.

Next, this is not a question about banning anything. The question is whether voter guides under any circumstances should fall within the regulations of Federal elections that are now in place: the limits on contributions and also disclosure.

□ 1745

So I just want to make it clear. Voting guides are permitted in terms of the Federal system under Shays-Meehan. The only contrary case would be where they clearly are a campaign document and not essentially otherwise, where the only reason they are not arguably a campaign document is because they do not say the word "elect" or "defeat," Mr. DOOLITTLE presents on the floor a voter guide. Now, if it were clearly a campaign document and it just left out the words "defeat" or "elect," I guess he would say, that is fine, unrestricted amounts without disclosure. But the point is that Coalition document would not fall within the language of Shays-Meehan placing it under Federal regulation in any event.

Now, I just want to say a word about the reference to the gentleman from Iowa (Mr. GANSKE) and tell my colleagues what this amendment is all about. Here is an ad in 1996 by the League of Conservation Voters about the gentleman from Iowa (Mr. GANSKE). I want to read it.

"It is our land, our water." This was a TV ad. "America's environment must be protected. But in just 18 months, Congressman GANSKE has voted 12 out of 12 times to weaken environmental protections. Congressman GANSKE even voted to let corporations continue releasing cancer-causing pollutants into our air. Congressman GANSKE voted for the big corporations who lobbied these bills and gave him thousands of dollars in contributions. Call Congressman GANSKE. Tell him to protect America's environment for our families, for our future."

Now, the amendment of the gentleman from California (Mr. DOOLITTLE) and the gentleman from Texas (Mr. DELAY) would essentially say that that kind of an ad could continue to be classified as a non-campaign ad without any disclosure and without any limits as to how much is spent simply because instead of saying after that clear attack on the gentleman from Iowa (Mr. GANSKE), it says, "call him, tell him." It does not say, "defeat." It says, "call him."

Now, I do not think anybody can reasonably argue that that was not a campaign ad. And what the gentleman from California (Mr. DOOLITTLE) is proposing is that we gut the provisions in this bipartisan bill so that for any amount at any point, any amount, any point, this kind of an attack ad could be continued without any Federal regulation at all as to amount or disclosure. That is why we are on trial here.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The time of the gentleman from Michigan (Mr. LEVIN) has expired.

(By unanimous consent, Mr. LEVIN was allowed to proceed for 2 additional minutes.)

Mr. LEVIN. Because if we are serious about giving every citizen a voice and it not being submerged by big, undisclosed contributions, and I do not care if it is from corporations or from the labor movement or from wherever it comes, if they want that individual citizen to continue to have a real voice in America, we cannot vote for this amendment. We simply cannot vote for it.

Now, look, there may be some question about what the Supreme Court will eventually do. It has been 20 years since their decision. A lot has happened, including the explosion of these issue ads. One Circuit says we can regulate them. Another casts doubt on that. But we will leave that up to the courts.

What we should do is do what is right in terms of our obligations. Do not hide behind your theories of the First Amendment, especially when some of my colleagues not so recently rather glibly voted to amend it. We have here a question of the future health of this democracy.

I just want to conclude by reading from a nonpartisan study, the Annenberg study; and this is what it says. "This report catalogues one of the most intriguing and thorny new practices to come into the political scene in many years, the heavy use of so-called issue advocacy advertising by parties, labor unions, trade associations, and business, ideological and single issue groups during the last campaign. This is unprecedented and represents an important change in the culture of campaigns. To the naked eye, these issue advocacy ads are often indistinguishable from ads run by candidates."

I just want to read what the executive director of the NRA said about these. And I am not talking about the substance of their ads. I have no quarrel with them in terms of whether they should be permitted or not. That is not the issue.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan (Mr. LEVIN) has expired.

(By unanimous consent, Mr. LEVIN was allowed to proceed for 1 additional minute.)

Mr. LEVIN. The question is whether they should come within the kind of regulation that now applies to ads that say "elect" or "defeat."

Here is the what the executive director of the NRA's Institute for Legislative Action said. "It is foolish to believe there is any practical difference between issue advocacy and advocacy of a political candidate. What separates issue advocacy and political advocacy is a line in the sand drawn on a windy day."

Now, look, I think Shays-Meehan protects voter guides like we presented here. If there is any question about that, let us have an amendment that relates to voter guides. Though I do not think it is necessary. But do not present an amendment that guts the entire issue advocacy provisions of this bipartisan bill.

Mr. PAUL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment. I want to compliment the gentleman from California (Mr. DOOLITTLE) for offering it.

Certainly, if nothing else, we ought to protect the rights of individuals and groups to distribute voter guides. There is an argument here whether or not it is actually doing this. But, obviously, the Member from California feels strongly that this is necessary in order to protect this right.

There has been a lot of talk here about soft money. I just often wonder about soft money. I know something about hard money. But this business of soft money and soft money automatically being bad is something we should think seriously about. Because so often when we are talking about soft money, we are talking about the people's money, their money, their property. Sure, it is a first amendment right. But there is also a property rights issue here. When people have money, they have a right to spend it; and if they want to spend it on a voters guide, they certainly ought to be able to do this.

So I think it is a very important amendment and we should pay close attention to this to make sure that we pass this amendment. The problem with attacking big money without knowing why there is big money involved in politics I think is the problem that we face. Big money is a problem. They are spending $100 million a month to lobby us in the Congress and hundreds of millions of dollars in the campaign, but nobody ever talks about why they are doing it.

There is a tremendous incentive to send all this money up here. Unless we deal with the incentive, we cannot deal with the problem. So, so far, almost all the talk that we have heard on this campaign finance reform is dealing with the symptom. The cause is Government is too big. Government is so big there is a tremendous incentive for people to invest this money. So as long as we do not deal with that problem, we are going to see a tremendous amount of money involved.

But what is wrong with people spending their own money to come here and fight for their freedom? What if they are a right-to-life group? What if they are a pro-gun-ownership group? What if they are a pro-property-ownership group? Why should they not be able to come and spend the money like the others have?

It just seems like they have been able to become more effective here in the last few years, and it seems like now we have to clamp down on them because they have an effective way to come here and fight for some of their freedoms back again.

So I think that we are misguided when we talk only about the money and not dealing with the incentive to spend the money, and that is big government. All the rules in the world will not change these problems. We had a tremendous amount of rules and laws written since the early 1970s and all it has done is compounded our problems.

So I think openness and reporting requirements to let people know where we are getting the money, let the people decide if we are taking too much from one group. But to come down hard and attack on individual liberty and the right for people to spend their money and the right for the people to distribute voters guides, I cannot say see how that is going to solve any problems. I mean, what are we doing here? I think it is total foolishness.

So I strongly endorse this amendment, and let us hope we can pass this amendment.

Mr. DOOLITTLE. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from California.

Mr. DOOLITTLE. Mr. Chairman, may I inquire as to how much time is remaining?

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. PAUL) has 2 minutes remaining.

Mr. DOOLITTLE. I would like the gentleman from Michigan (Mr. LEVIN) or the gentleman from Connecticut (Mr. SHAYS) or someone from the side of the proponents of Shays-Meehan to explain to me why, in their opinion, the 1994 Christian Coalition voters guide is approved under Shays-Meehan. They say that so clearly, but it is quite clear to me that there is nothing clear about Shays-Meehan. I would like to have them specifically address themselves, instead of making the assertion and moving on, if they would please specifically address that illustration down there, which let us have it brought up in front of the House here, and explain to me why they think that that is protected.

If I were satisfied that that were protected by Shays-Meehan, I probably would not offer this amendment.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from California.

Mr. CAMPBELL. I would like to take up the challenge offered.

If we take a look at the voter guide, the standards under Shays-Meehan are met. The voter guide is not express advocacy if it presents information in an educational manner solely about the voting record or position on a campaign issue with two or more candidates. It does. There are two candidates there, and it presents simply their positions on the issues.

Two, that it is not made in coordination with a candidate, political party, or agent of that candidate. We do not know if this was or not. But, obviously, there is nothing I can tell from the four corners of the document that it was.

And, lastly, that it not contain a phrase such as "vote for," "reelect," "support," or "cast a ballot for." And I again look to the document, and it has none of those words in it.

I rest my case.

The CHAIRMAN pro tempore. The time of the gentleman from Texas (Mr. PAUL) has expired.

(By unanimous consent, Mr. PAUL was allowed to proceed for 3 additional minutes.)

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from Texas.

Mr. DELAY. The gentleman from California (Mr. CAMPBELL) fails to continue reading the language that concerns us the most. And the language says, it does not contain words that in context can have no reasonable meaning other than to urge the election or defeat of one or more cleared identified candidates.

This is where the rift is, where reasonable meaning. And we say that big government gets to decide, according to the language of the gentleman from California, what "reasonable meaning" is. And if I pass this out in a church, my opposition could very well say that, under reasonable understanding, that they are trying to sway the people in that church with this voter guide towards the gentleman from Iowa (Mr. GANSKE) on this voter guide. Therefore, they would have to come under Federal regulations.

Mr. DOOLITTLE. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from California.

Mr. DOOLITTLE. I would like to answer the gentleman from California (Mr. CAMPBELL) as well.

The gentleman from Texas (Mr. DELAY) is quite correct, He conveniently left out that key phrase.

I want to note that one of those points says promoting homosexuality to school children. And then down below in the real fine print, which no one can read from here, the Christian Coalition is described as a pro-family action organization, I believe is the phrase.

In context, I believe a reasonable person could conclude that a pro-family action organization does not think it is a good idea to promote homosexuality to schoolchildren and, therefore, that would fall under Shays-Meehan as being held to be applicable to their law and, therefore, would be banned.

I would like the gentleman from California (Mr. CAMPBELL) to explain to me his interpretation.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from California.

Mr. CAMPBELL. The phraseology in Shays-Meehan refers to the words, the phrases, the slogan, that in context can have no reasonable meaning other than to urge the election or defeat of one or more clearly identified candidates.

The example we have before us does not give any statement regarding whether it is a good position or a bad position to be in support or in opposition to any of the listed subject matters. Accordingly, it passes the test under Shays-Meehan.

More fundamentally, the language that the gentleman from California would put in instead of the narrowly tailored voter guide exception of Shays-Meehan says that any communication that makes a comment on any position on an issue, even by a single candidate, qualifies as a voter guide. It does not have to refer to a voting record, it can refer only to a position taken, and he extends it to the phrase "commentary."

□ 1800

Accordingly it is a Mack truck kind of exception. Virtually anything could be called a "voter guide."

The CHAIRMAN pro tempore (Mr. SHIMKUS). The time of the gentleman from Texas (Mr. PAUL) has expired.

(By unanimous consent, Mr. PAUL was allowed to proceed for 2 additional minutes.)

Mr. PAUL. Mr. Chairman, I yield to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, I listened to the gentleman's explanation. The phrase in this bill that he supports says that words in context have no reasonable meaning other than to urge the election or defeat. I would submit to my colleague that the words "office of promoting homosexuality in schools" where one candidate opposes it and one supports it, those words in conjunction with the Christian Coalition card, which in context is being distributed in churches and the card or the word says it is a Christian action organization, those would be deemed, or could be deemed, to constitute the context advocating the election of the gentleman from Iowa (Mr. GANSKE) and the defeat of his opponent.

Mr. GANSKE. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from Iowa.

Mr. GANSKE. Mr. Chairman, I appreciate the gentleman yielding, particularly since I was back in my office, and all of a sudden I saw my campaign reenacted on the floor here.

I oppose the Doolittle amendment. If I thought that the Shays-Meehan language would prohibit a voter guide like this one, I would not support the Shays-Meehan language. But when I read the Shays-Meehan language, it seems to me clear that this type of voter guide is okay; I mean, presents information in an educational manner about a voting record or a position on a campaign of two or more issues, and in terms of this particular item here, it refers to a vote that was made here.

Mr. PAUL. Mr. Chairman, I reclaim my time, and I yield to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Chairman, I just want to say, if that is the case for the gentleman from Iowa, then he ought to support Doolittle because Doolittle is very clear. In fact it uses Supreme Court language as his amendment that says that we can do voter guides unless we specifically advocate the election or defeat of a candidate.

There is no in-between, and Shays-Meehan is very ambiguous.

The CHAIRMAN pro tempore. The time of the gentleman from Texas (Mr. PAUL) has expired.

Mr. MEEHAN. Mr. Chairman, I move to strike the requisite number of words.

I think, Mr. Chairman, the evidence here is quite clear that the language does, in fact, in the Shays-Meehan bill, does allow this particular voter guide. That is why the amendment needs to be defeated.

There has been some arguments here that voter guides are unallowable. I think the evidence is overwhelming that the language does not say at all that they are not allowable. In fact, I would say that the gentleman from California (Mr. DOOLITTLE) was reading from the wrong section. The section says: expressly unmistakable and unambiguous support for our opposition; 2, one or more clearly identified candidates when taken as a whole and with limited reference to external events such as proximity to an election.

So it is overwhelmingly clear that this particular provision is nothing more than a smokescreen to try to defeat our bill.

Mr. GANSKE. Mr. Chairman, would the gentleman yield?

Mr. MEEHAN. I yield to the gentleman from Iowa.

Mr. GANSKE. Mr. Chairman, I think it is important that we pass legislation that deals with issue advocacy.

Once again, while I was watching from my office, I saw or heard about a campaign ad that was run against me in 1996. The text of the act reads:

It's Orlando water. America's environment must be protected, but in just 18 months Congressman Ganske voted 12 times out of 12 to weaken environmental protections. He even voted to let corporations continue releasing cancer-causing pollutants in our air. Congressman Ganske voted for big corporations who lobbied these bills, gave them thousands of dollars in contributions. Call and tell him to protect bla bla bla.

That is clearly an issue ad. It is the type of ad that we need to get after in terms of this legislation. There is a great big difference between that type of issue ad and a voter registration, a voter guide, that is put out either by this organization or any other number of organizations, and I think that we should defeat the Doolittle bill.

Mr. LEVIN. Mr. Chairman, will the gentleman yield?

Mr. MEEHAN. I yield to the gentleman from Michigan.

Mr. LEVIN. Mr. Chairman, I applaud the gentleman from Iowa (Mr. GANSKE) for going back to his election. He won it, so it is a little easier than if he had lost it. But he is a Republican, I am a Democrat, but the last thing I would deny is that that ad that was run against him was a campaign ad.

I tried an ad like this out on a group of students. Every single one was amazed that anybody would call that anything but a campaign ad. Every single one, they could not believe that is the way we function in this democracy. And what the Doolittle amendment does is say it refers to voting records, but, as been said before by the gentleman from Massachusetts (Mr. MEEHAN) and the gentleman from Connecticut (Mr. SHAYS), the sponsors, and by the gentleman from California (Mr. CAMPBELL), this amendment goes miles beyond voting records or voting guides. It says any communication on any position on any issue taken by a candidate.

My colleague is trying to gut the issue advocacy provisions and essentially leave defenseless, if he does not or she does not have a lot of money to respond, an ad like was tried against the gentleman from Iowa (Mr. GANSKE), and there was no need for the person or the group that presented it to indicate who they were.

Mr. MEEHAN. Reclaiming my time, let me just give an example of what we are trying to provide, why we want to have this provision in. This is what the amendment would allow people to not have to disclose, where money comes from. This is what we are protecting. This is a Senate candidate.

Senate candidate Winston Bryant's budget as Attorney General has increased by 71 percent. Bryant has taken taxpayer funded junkets to the Virgin Islands, Alaska and Arizona. And spent about $100,000 on new furniture. Unfortunately, as the state's top law enforcement official, he's never opposed the parole of any convicted criminal, even rapists and murderers. And almost 4,000 Arkansas prisoners have been sent back to prison for crimes committed while they were out on parole. Winston Bryant: government waste, political junkets, soft on crime. Call Winston Bryant and tell him to give the money back.

Now should not the person who had that ad and the organization at a minimum have to disclose where that money comes from? And is it not reasonable to assume that the intent of that particular advertisement was to influence that election? Of course. The only thing that we are looking to do in this legislation: when somebody wants to spend millions of dollars in races clear across this country and have that type of a negative ad, at a minimum, at a minimum, the American public has a right to know where the money came from.

Mrs. CHENOWETH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as my colleagues know, it may seem odd that I would be standing up here supporting the Doolittle bill because I can tell my colleagues this Congressman, as a candidate, had millions and millions of dollars of negative campaign ads targeted against her. The very ad that ran against the gentleman from Iowa (Mr. GANSKE) ran in my district, and I am very opposed to that kind of campaigning. It is despicable.

But the way to get at it is not through more confused and confusing rules and regulations, not through a bureaucracy, but through a full disclosure, which the Doolittle bill requires. The bill that I am an original cosponsor on requires full disclosure, and then it leaves it up to the voters to be able to make that determination as to what is truthful and what is correct, as they did in the gentleman from Iowa (Mr. GANSKE's) campaign and as they did in mine. I probably had more dollars, millions and millions of dollars, targeted at me from these very kinds of groups with those kinds of ads than any other congressional candidate in the Nation. And yet the voters in Idaho decided to cut to the chase and get to the bottom line. What my voters in Idaho did not have was who was really paying for those ads, and the Doolittle bill requires full disclosure because then it takes it out of the hands of the bureaucracy and puts it in the hands of the voters to make the final decision.

But if we are really going to cut to the chase, my colleagues, let us really define what this whole debate is about. It is about free speech. And even though I had a very uncomfortable campaign; I mean it was a carpet bombing, and it was mean, and it was vicious, and I did not like it at all, nevertheless, as a Congressman, my first responsibility is to protect the Constitution and free speech, and let me show you what this debate is really all about.

In Time Magazine, February 1997, what the minority leader said is what we have is two important values in direct conflict: freedom of speech and our desire for healthy campaigns in a healthy democracy. We cannot have both. Well, maybe in their narrow scope of regulate and rule and rule and regulate we cannot have both, but in a country of free people where the people make the decisions, of course we can have both, and that is what we must defend and protect.

The Washington Times really said it best in their June 5 editorial. They said if Congress wants to clean up the mess of money and politics, it should do so by encouraging free speech, free discussion and free debate. And that is the basis of good political activity in the United States of America.

Now the Doolittle amendment protects voter education guides and score cards, and we need to protect that very vital free speech. The Shays-Meehan substitute cuts to the very core of free speech that our Constitution so vigorously protects. It restricts the ability of organizations to engage in the freedom to educate the voters in this country. Whether we like it or not, we should protect free speech first. Not only does this prevent opportunities for the electorate to become more informed, but it violates the free-speech rights of all organizations, and organizations who are opposing a Helen Chenoweth as well as my opponent or anyone else still should have their free

speech rights protected vigorously by this body.

But the Shays-Meehan language also dictates a narrow set of speech specifications under which elected officials would deign to allow citizens groups to disseminate their voting records, specifications that would effectively ban the score cards that we saw here before, Mr. Chairman, and voter guides typically distributed by issue-oriented groups, and do we want to restrict the rights of groups or individuals to place ads in the Washington Post or the New York Times expressing their support or opposition to a piece of legislation? The Shays-Meehan substitute would restrict these sorts of actions regardless of whether the communication is express advocacy. This is a blatant violation of the first amendment, and I really do strongly support the Doolittle amendment.

Mr. Chairman, Congress should not find ways to restrict speech or limit the information available to our voters. Instead we should be promoting free speech and encouraging an educated electorate. We are responsible for that.

The CHAIRMAN pro tempore The time of the gentlewoman from Idaho (Mrs. CHENOWETH) has expired.

(On request of Mr. WHITFIELD, and by unanimous consent, Mrs. CHENOWETH was allowed to proceed for 2 additional minutes.)

Mrs. CHENOWETH. What are we afraid of?

As my colleagues know, I trust the American people to make the right decision when they are well-informed. I have faith in my fellow citizens, and I urge my colleagues to vote for the Doolittle amendment. Do not restrict political participation by American citizens, do not restrict the fundamental rights to free speech, and do not destroy the most vital tool we have to maintain our representative government.

Mr. Chairman, I yield to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Chairman, I think many of us feel the way the gentlewoman feels, that many of us had ads run against us in the last campaign that we did not like.

□ 1815

But we do believe that is the right of organizations to do that. I was just curious, what were some of the organizations that ran ads against the gentlewoman in her last election?

Mrs. CHENOWETH. Mr. Chairman, reclaiming my time, the organizations that I know about are the national labor organizations and national environmental organizations who tried to do the same thing that they did to the gentleman from Iowa (Mr. GANSKE) by distorting the record. I believe we should have truth in advertising in everything that is put across the airwaves, but the Shays-Meehan bill does not address that. So we need to leave it to the voters and their great discretion.

MODIFICATION TO AMENDMENT NO. 82 OFFERED BY MR. DOOLITTLE

Mr. DOOLITTLE. Mr. Chairman, I ask unanimous consent to modify my amendment.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 82 offered by Mr. DOOLITTLE:

The amendment is modified as follows:

In section 301(20)(B) of the Federal Election Campaign Act of 1971, as proposed to be inserted by the amendment, insert after "any communication" the following: "which is in printed form or posted on the Internet and".

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

Mr. SHAYS. Mr. Chairman, reserving the right to object, will the gentleman explain the purpose of this proposed modification?

Mr. DOOLITTLE. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from California.

Mr. DOOLITTLE. Mr. Chairman, it was my intent when we offered this to have it drafted in such a way as to protect the printed material or material on the Internet. It really was not my intent to go beyond that. The wording of the amendment arguably does go beyond that, so I offer this modification to conform the written language of what my intent clearly was.

Mr. SHAYS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

Mr. CAMPBELL. Mr. Chairman, reserving the right to object, I believe that every author of an amendment ought to have the right to put it in the way that he or she thinks is best, so I will not object. But my reason for reserving the right to object was to ask the gentleman from California, if he is going back and amending his amendment, the gentleman might recall the discussion that we had before the break, where I thought that inadvertently the gentleman had gone out and excluded, struck from the bill, the provision against coordination.

Truly, in the interest of just giving the gentleman the best shot at his amendment, if the gentleman is going to go back and amend his amendment, all it would take to get rid of that issue entirely would be to say that the gentleman is striking section 301(20)(B)(1) instead of (301)(20)(B), if one reads what I am saying.

I offer this merely from the point of view of helping. If my colleague and friend from California does not wish my assistance, then I have nothing further to add and would withdraw my objection to his unanimous consent request.

Mr. DOOLITTLE. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. I yield to the gentleman from California.

Mr. DOOLITTLE. Mr. Chairman, in drafting the original amendment, which we are now seeking to modify, although we strike out the coordination language in this subsection B, I would just reference the gentleman from California (Mr. CAMPBELL) to the overall section 206, which deals with coordination of the candidates. Since that deals with providing anything of value, it was our experts' belief that that would still apply, and, therefore, it was not necessary to do it in the way the gentleman is suggesting.

Mr. CAMPBELL. Mr. Chairman, further reserving the right to object, I offer this in a friendly way. If the gentleman said strike section 301(20)(B)(1), instead of all of 301(20)(B), you would remove all ambiguity. If, however, it is the gentleman's choice, then so be it.

I think the gentleman does create a dangerous legislative history, which is that the bill presently says you may not coordinate an expenditure. The gentleman's amendment strikes the phrase saying you may not coordinate an expenditure and puts in something silent on coordinating an expenditure, and that degree of history is dangerous.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

Mr. SHAYS. Mr. Chairman, reserving the right to object, I just wanted, one, to know the intent of my colleague, and also to say as a general principle, I think that anyone who offers an amendment should have the right to perfect it as they choose, so I really want to adhere to the concept that the gentleman from California (Mr. CAMPBELL) already expressed.

Mr. Chairman, I withdraw my reservation of objection, if this is the purpose of the gentleman.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CAMPBELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my purpose for rising was to engage my friend from California in a discussion, if he would wish, and I will reserve at least the requisite number of 2 minutes for that.

Here is the main point: The Shays-Meehan bill itself does not prohibit voter guides. It would not reach them in its own words. What it does deal with is whether they can be funded by soft money or whether, if you are going

to run an ad that really is a campaign ad, it ought to be under the same rules as a campaign ad: Namely, you have got to raise the money under the rules of disclosure and maximum contribution limits of the Federal Election Act. That is all that Shays-Meehan does.

To make it absolutely clear though, Shays-Meehan then puts in a provision saying we exempt from the definition of express advocacy, which would require that only hard money be used, the following kind of notification. Where it discusses a voting record, deals with more than one candidate, and it is in a context that is not clearly devoted to advocating voting for or against somebody. So if one takes a look at the bill, there is an exclusion in its construction for what is a voter guide, and there is, in addition, then an explicit exclusion for a voter guide.

My good friend and colleague, the gentleman from California (Mr. DOOLITTLE), proposes an alternative. As you just heard, I was anxious that the gentleman try to clarify his alternative further. Instead, however, we still have the draft that the gentleman presented us with which removes the language that a true independent voter guide not be coordinated with an individual candidate. So the legislative history, if the gentleman's amendment passes, will be quite clear, that preparers of a voter guide can indeed go ahead and coordinate with the candidate favored in such a guide.

That is just the first problem with this amendment. Here are the remaining problems.

The Doolittle amendment creates a loophole for "any communication in printed form, or printed on the Internet, which provides . . . commentary on . . . positions on issues taken by . . . any candidate for election for Federal office." I am going through and taking all of the "or" clauses and taking just one of the options at each "or" clause.

So, as a result, the exception supposedly for voting records now covers any communication providing any commentary on positions on issues taken by any candidate.

I submit to Members that campaign ads of the most garden variety fit this definition. Such an ad will "provide commentary," and, if it does not refer to an issue taken by the individual, it would be an amazing piece of literature: Vote against this person because we do not like the way he looks; vote against this person, because of what? All that needs to be, in order for this loophole to apply, is to be a communication offering a commentary on a candidate's position on an issue.

Now I would like to ask a hypothetical. The poor gentleman from Iowa (Mr. GANSKE), our good friend and colleague, does not deserve to have his campaign ad brought up once more, but so be it. Neal Smith was his opponent, and that voter guide said "Here is where Greg Ganske is on the issues and here is where Neal Smith is on the issues."

Suppose that the group in question, the Christian Coalition, put out a notification 1 week before the election, and all it said was, "Neal Smith is a terrible Congressman because he opposes voluntary school prayer."

I believe that would fit through your loophole, and I would yield to the gentleman from California to answer this question if he would care to. The ad I just read, "Neal Smith is a terrible Congressman because he opposes voluntary school prayer," would that fit within your supposed "voter guide" exception?

Mr. DOOLITTLE. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. I yield to the gentleman from California.

Mr. DOOLITTLE. Mr. Chairman, I am not satisfied with the gentleman's response to me on the voter guide, why he thinks that is permitted by Shays-Meehan. Now the gentleman is asking me to comment upon his hypothetical.

Mr. CAMPBELL. Mr. Chairman, reclaiming my time, it is my time. I yield to my friend to answer if he chooses. If he chooses not, I am also happy.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, it is amazing to me that the gentleman would want to stop an American citizen from putting out anything that they wanted to have the opportunity to say, that Neal Smith is a terrible Congressman. I am not advocating defeat or anything.

Mr. CAMPBELL. Mr. Chairman, reclaiming my time, if the Whip would stay in the well, I would like to engage him; it just has to be a colloquy, not just one way.

The CHAIRMAN. The time of the gentleman from California (Mr. CAMPBELL) has expired.

(On request of Mr. DELAY, and by unanimous consent, Mr. CAMPBELL was allowed to proceed for 2 additional minutes.)

Mr. CAMPBELL. Mr. Chairman, the provision here is not that an ad shall be prohibited. The question here is whether soft money shall be allowed to pay for it. And a loophole designed for a voter guide——

Mr. DELAY. Mr. Chairman, if the gentleman will yield further on that point right there, the gentleman interrupted me, let me interrupt the gentleman on a point, because the gentleman claims it is soft money. No, it is money raised by Americans who want to participate in the political process and express themselves about positions or votes taken by Members of Congress or people wanting to be Members of Congress that the gentleman is trying to prohibit.

Mr. CAMPBELL. Mr. Chairman, reclaiming my time, I think the Whip puts it quite well. It is a debate on this issue. But let us call it that. Shall we have limits to how much money potentially can corrupt our campaign system or not?

A very legitimate different point of view from mine, but a very legitimate point of view, says no, let us not have any limits on campaign finance. That is actually the view I think espoused by the distinguished Whip.

But it is contrary to the whole idea of campaign finance reform. If we are for limiting the potentially corrupting influence of money, as we have in the law now, by a $1,000 maximum, then we should not create a loophole so huge as to permit the example that I gave to my friend from California, as I gave to my distinguished colleague and friend, the Whip from Texas. I yield back the balance of my time, unless my colleague wishes to answer my hypothetical.

Mr. BILBRAY. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. I yield to the gentleman from California.

Mr. BILBRAY. Mr. Chairman, I think the distinguished Whip has articulated his position quite clearly. I think that, Mr. Chairman, there is a disagreement about how this process should work. I do not think money may absolutely corrupt, but it does influence, and there are those of us that feel we should limit that influence and those who feel we should not.

This, obviously, is an issue of a huge loophole and just how much resources are able to be funneled into a campaign process. I understand the gentleman who is introducing this amendment's position, because he feels that there should not be any limits, and I respect that.

But if we are going to have limits, and if we are going to enforce those limits, then we cannot have a huge loophole that allows groups to come in and circumvent the entire premise that there should be a limit on money's ability to influence elections, and maybe this amendment's whole concept is to create such a loophole, that it destroys the entire enforceability of the limit concept.

I appreciate the gentleman from California's position and the fact that we do not want to create a loophole.

Mr. THOMAS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WICKER) having assumed the chair, Mr. SHIMKUS, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2183) to amend the

Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, had come to no resolution thereon.

REQUEST TO LIMIT FURTHER DEBATE AND AMENDMENTS ON THIS DAY TO SHAYS AMENDMENT IN THE NATURE OF A SUBSTITUTE DURING FURTHER CONSIDERATION OF H.R. 2183, BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 2183 on this day, pursuant to H. Res. 442 and H. Res. 485, the pending amendment which we have been discussing by the gentleman from California (Mr. DOOLITTLE) to the amendment in the nature of a substitute by the gentleman from Connecticut (Mr. SHAYS) be debatable for 30 minutes, equally divided and controlled by the proponent and an opponent. No other amendment to the amendment by the gentleman from Connecticut (Mr. SHAYS) shall be in order on this day, except the amendments that have been placed at the desk, which are as follows:

The amendment by the gentleman from Mississippi (Mr. WICKER); the amendment by the gentleman from New York (Mr. FOSSELLA); the amendment by the gentleman from Florida (Mr. STEARNS); the amendment by the gentleman from Mississippi (Mr. PICKERING); and the amendment by the gentleman from Texas (Mr. DELAY).

□ 1830

On this day, each amendment may be considered only in the order listed and may be offered only by the Member designated, or his designee, shall be considered as read, and shall be debatable for 30 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

Mr. MEEHAN. Mr. Speaker, reserving the right to object.

The SPEAKER pro tempore (Mr. WICKER). Is there objection to dispensing with the reading of the amendments only?

Mr. MEEHAN. Mr. Speaker, reserving the right to object, we have been talking, at least before we left for the 2-week break, we were talking about a unanimous consent agreement on campaign finance reform. We had talked about a comprehensive agreement, an agreement that would result in us being able to complete campaign finance reform by the August recess on August 7; and, to that end, many of us met today and we had talked about agreeing to a unanimous consent agreement and making part of the unanimous consent agreement the fact that we would take up in August, the week of August 3 through 7, all of the substitutes that had been made in order, have an hour of debate for each of those, and then vote up or down on those substitutes.

I think, Mr. Speaker, if we look at how long it has taken us to get to this point in time and if we consider the fact that, under the rule, we could literally have 250 to 260 amendments, that it makes sense for us to try to come to an agreement on a comprehensive unanimous consent agreement that would result in not only discussing those amendments that we need to discuss but also a definite, definitive time and date, that is August 3 through 7, where we would vote on each of the substitutes.

So that is the unanimous consent agreement that I was hoping that we could get.

I know that the gentleman from California (Mr. THOMAS) had proposed limiting to 34 different amendments before we left. Now that we have a unanimous consent agreement for just one evening, I would point out that they are all Republican amendments, and two of the amendments, the Stearns and the Fossella amendment, are nearly identical or are at least pretty similar.

So it does not seem to make any sense to agree to a unanimous consent agreement for one day when, in fact, what we need here is some kind of a commitment and some kind of an agreement in writing that we can have a vote on the substitutes that have been offered here and have that vote before the August recess. I do not think I have to tell my colleagues how long this process has been ongoing over a period of the last several years.

Mr. DELAY. Regular order, Mr. Speaker.

The SPEAKER pro tempore. Regular order would be the reading of the amendments.

Does the gentleman from Massachusetts object to the reading of the amendments?

Mr. MEEHAN. Mr. Speaker, I object to the reading of the amendments. I object to the original request.

Mr. DELAY. Mr. Speaker, reserving the right to object.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. MEEHAN. Mr. Speaker, I objected.

The SPEAKER pro tempore. Does the gentleman from Massachusetts object to the original unanimous consent request also?

Mr. MEEHAN. Yes, Mr. Speaker, I do.

The SPEAKER pro tempore. Objection is heard.

DESIGNATION OF HON. GEORGE R. NETHERCUTT, JR., TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS ON THIS DAY

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 14, 1998.

I hereby designate the Honorable GEORGE R. NETHERCUTT, Jr. to act as Speaker pro tempore to sign enrolled bills and joint resolutions on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designation is agreed to.

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4104, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 105–622) on the resolution (H. Res. 498) providing for consideration of the bill (H.R. 4104) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3682, CHILD CUSTODY PROTECTION ACT

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 105–623) on the resolution (H. Res. 499) providing for consideration of the bill (H.R. 3682) to amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3267, SONNY BONO MEMORIAL SALTON SEA RECLAMATION ACT

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 105–624) on the resolution (H. Res. 500) providing for the consideration of the bill (H.R. 3267) to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a feasibility

study and construct a project to reclaim the Salton Sea, which was referred to the House Calendar and ordered to be printed.

BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

The SPEAKER pro tempore (Mr. WICKER). Pursuant to House Resolution 442 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2183.

□ 1836

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, with Mr. SHIMKUS (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, pending was Amendment No. 82 by the gentleman from California (Mr. DOOLITTLE) to Amendment No. 13 by the gentleman from Connecticut (Mr. SHAYS).

Mr. THOMAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I asked to rise into the House so that I could propound a unanimous consent request. However, a point of order was reserved and a speech was then made and then objection was heard. Unfortunately, I was not able during that monologue to explain why I offered the unanimous consent, so I am doing so now.

The majority leader has committed that the campaign finance debate will end prior to the August recess. That coincides with the gentleman from Massachusetts' specified dates of somewhere between August 3 and August 7. His complaint was that we do not have a complete agreement in which they have structured it and they have signed off on it.

What I am trying to do as the manager of a bill, if I cannot meet the entire structural agreement, I thought that it would be appropriate to move us along, to at least begin to structure it day by day. What I offered was a structure for today.

Contained within that unanimous consent was a desire to continue to debate this particular amendment by the gentleman from California (Mr. DOOLITTLE) to the substitute by the gentleman from Connecticut (Mr. SHAYS) for 30 minutes. We have consumed far more than 30 minutes prior to my unanimous consent being propounded. I am quite sure we are going to consume far more than an additional 30 minutes.

So I have some difficulty in understanding the argument from the other side in which they continue to make a point without listening.

The majority leader has said, we will finish this debate prior to the August recess. It would seem to me that it would behoove all of us who want to have an orderly process, give a fair opportunity for as many people who wish to enter into the debate as possible, to structure it. What we got was an objection from the other side because we could not structure from today until August. What I was offering was a structure for today. But, clearly, that was objected to.

So if we cannot do it day by day, we must propound something that is going to extend over a long period of time. It just baffles me that the debate that goes on is that we want to move through this in an orderly fashion, but then they object to an orderly fashion being offered for today. If the complaint is it is not everything, why would they object to today? If we can get order for today, maybe we can get order for tomorrow. If we can get order for tomorrow, maybe, working together, we can get order for the entire period.

But they seem to want to make the argument that they want to move forward; and when we try to propose an opportunity to agree to move forward, they object. That was the reason I tried to offer it, to move us forward under an orderly time frame. I am just sorry that they are more interested in the point of debate rather than the substance of moving forward.

Mr. MEEHAN. Mr. Chairman, I ask unanimous consent to speak for 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. THOMAS. Mr. Chairman, reserving the right to object. Does the gentleman now, after refusing to set a structure for orderly debate——

Mr. MEEHAN. Mr. Chairman, I withdraw my unanimous consent request.

Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN pro tempore. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. MEEHAN. Mr. Chairman, what we are looking to do here is try to find an agreement that gets us to a vote. Nobody rationally believes, given the UC agreement that we got on campaign finance reform before we left, that 25 hours of debate on this UC agreement, in order for us to have any chance at all of getting a vote by August, we would have to have at least three-fifths, four-fifths of the amendments that have been proposed withdrawn.

So I will be glad to work all evening to try to find a way to reach an agreement that results in a definite vote, a vote that would take place sometime in the week, the last week we are here, the 3rd through the 7th of August.

And I appreciate the gentleman from California's work on this. I would love to work with him further to get an agreement, but to propose four amendments for tonight, given the fact that campaign finance reform is not even scheduled for the rest of the week and is scheduled for possibly 1 day next week and there is only 2 weeks left after that. So no reasonable, rational person really thinks that we are going to get through 250 amendments by August 7.

Mr. DOOLEY of California. Mr. Chairman, I move to strike the requisite number of words.

Today I rise in strong opposition to the Doolittle amendment. I think, if we really ask ourselves honestly, if we are indeed committed to enacting campaign finance reform, we have to do so in a manner which addresses the greatest loophole which we are currently facing, and that loophole is the one which allows for unlimited amount of funding of issue advocacy ads.

Mr. Chairman, it is somewhat remarkable to me that we have spent a lot of time this year with congressional investigations into what have been perceived as illegal campaign violations. But the sad fact of it is is that one of the greatest problems we face is with legal problems with our campaign system. When we have a system in place that can allow for unlimited sums of money to come in to influence an outcome of an election, unlimited sums of money that can come in without any requirement that the people that are contributing that money be identified, we have a serious problem.

What Shays-Meehan does, it clearly ensures that everybody that contributes to a campaign or to an effort in order to influence the outcome is that we ask them to be identified. We are not saying that we are going to restrict anybody's right of speech. We are saying that everyone has the right to participate; everyone has the right to express their feelings and their concerns about an issue and about a candidate.

But what we are saying also is that the voters of any district, the voters of this country also have a right to know who is trying to influence those elections. And what the Doolittle amendment clearly does, it would undermine that. It would once again allow this loophole to continue, because it would allow printed material and campaign fliers to be mailed out to every household with what could be misleading information about a candidate's position.

And those could be funded by anyone. They could be funded by foreign interests. They could be funded by a criminal interest, and there is no way for the voters of that district and the family in the household in which that

mailer went into to know who was behind those and who was trying to influence the outcome. That is the problem.

That is why, in order for us to have any legitimate campaign finance reform, we have to continue to be strong and vigilant in ensuring that people who try to influence the outcome have to disclose who the contributors are.

I would identify just this one chart that I have here. It is somewhat, it seems to me, just inequitable that a person who makes a contribution to my campaign or anyone else's, who contributes in excess of $200, has to include their name, their address, their employer, their occupation, the date of the contribution, the aggregate amount of the contributions that I have received.

□ 1845

But someone who contributes up to $250,000, maybe $1 million, and funnels that through an issue advocacy campaign effort, they are not required to identify themselves. They are not required to identify their address or their employer, even the country they might be coming from.

Mr. Chairman, the American people understand that they want control of their elections. That is what we are trying to achieve here. The only way we will be able to achieve that is by closing the issue advocacy loophole. Doolittle tries to open the barn doors wide open once again, and that clearly is not in the interests of the American people and the interests of having fair elections.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. DOOLEY of California. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, I appreciate the gentleman's point, but what we are doing is here is debating the Doolittle amendment.

I would ask the gentleman, is he for or against the Christian Coalition, the NAACP, or others to be able to offer those kinds of voter guides we have put up as examples?

Mr. DOOLEY of California. Mr. Chairman, I clearly support that right, and the Shays-Meehan legislation is carefully crafted to ensure that voter guides will be able to continue to be published.

Mr. DELAY. If the gentleman will yield further, what about the language in Shays-Meehan that says or offers the opportunity to regulate voter guides when it says that, in context, it can have no reasonable meaning other than to urge the election or defeat of one or more clearly-identified candidates? Is that not a huge loophole that would prohibit the Christian Coalition from offering those kinds of voter guides, say in the gentleman's church?

Mr. DOOLEY of California. Mr. Chairman, as the authors of this legislation have clearly stated, the clear intention of the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) was not to infringe in any way on the ability of the Christian Coalition, the Sierra Club, or anyone else who wants to provide information to the voters which is clearly designed to identify the source.

Mr. MEEHAN. Mr. Chairman, will the gentleman yield?

Mr. DOOLEY of California. I yield to the gentleman from Massachusetts.

Mr. MEEHAN. Mr. Chairman, interestingly enough, the language in here that is the appropriate language is "expressly unmistakable and unambiguous support for or opposition to one or more clearly identified candidates when taken as a whole and with limited reference to the external events, such as proximity to an election."

So this is not something that is a reasonable person's standard at all. In fact this is "expressly, unmistakable, unambiguous."

Mr. DOOLEY of California. Reclaiming my time, the issue here is very simple: Do we think that the voters of this country have the right to know who is trying to influence them?

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. DOOLEY) has expired.

(On request of Mr. MEEHAN, and by unanimous consent, Mr. DOOLEY of California was allowed to proceed for 1 additional minute.)

Mr. DOOLEY of California. Mr. Chairman, the issue is clear, do we believe as a Congress that the voters of the United States have the right to know who is trying to influence the outcome of an election? Unless we close the issue advocacy loophole, we are not giving the voters that right. We would certainly be doing an injustice to the American people in our efforts to reform campaign law if we do not close the issue advocacy loophole.

Mr. WHITFIELD. Mr. Chairman, will the gentleman yield?

Mr. DOOLEY of California. I yield to the gentleman from Kentucky.

Mr. WHITFIELD. Mr. Chairman, the gentleman has been discussing our right to know, and on any ad run on television or on the radio there is a disclaimer required, so the gentleman knows the organization that is paying for the ad.

Mr. DOOLEY of California. Let me give the gentleman a real, live example, if I could respond, with an independent expenditure that was issue advocacy on the Coalition for our Children's Future.

They have a board of directors that was in place, and had an executive director that was approached by a party who asked them whether or not they would agree to give blank checks that were signed to a third party, and would also sign an oath of secrecy that they would not disclose the identity of the person that was trying to influence the outcome.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. DOOLEY) has again expired.

(On request of Mr. WHITFIELD, and by unanimous consent, Mr. DOOLEY of California was allowed to proceed for 1 additional minute.)

Mr. DOOLEY of California. Mr. Chairman, the point I am making is the disclosure was on the bottom of the ad, Coalition for our Children's Future. But the board of directors of Coalition for our Children's Future did not know who was funneling the money through them.

They also have an executive director that signed basically an oath of secrecy that he would not disclose who was funneling this money in. They also had an executive director that signed blank checks given to this entity that they had signed a nondisclosure agreement with so that they could keep that secret.

This third party entity that was using Coalition for our Children's Future could have been a foreign entity, foreign sources, it could have been criminal sources.

Mr. SHAYS. Mr. Chairman, will the gentleman yield?

Mr. DOOLEY of California. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, if it is not a campaign ad, there is no disclosure. You have to have it be a campaign ad in order to require disclosure.

Mr. MEEHAN. Mr. Chairman, will the gentleman yield?

Mr. DOOLEY of California. I yield to the gentleman from Massachusetts.

Mr. MEEHAN. Mr. Chairman, I think we are ready for a vote on this. Maybe we could move and get a vote.

Mr. BLUNT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not think that we have yet made the point of what happens with these voter guides. I think the problem is that, once again, we come into that problem of jeopardizing freedom of speech whenever we try to achieve some kind of change in the campaign finance system.

Who is going to decide, in context, what is reasonable and what is not reasonable? At what point are they going to decide that? What is the timing going to be in which they decide that? Do they decide that after the organization has had these voter guides printed? Do they decide that after they have been distributed? Do they decide that the day before they are distributed, on the weekend before the election, when it is too late to replace them with whatever the objection was?

Once again, we get right into the whole question of whether or not we want to limit the ability of people to make their points, their freedom of speech points that can be made.

The groups that support the Doolittle amendment and the groups that consider the Shays-Meehan exception for scorecards bogus is a list that just goes on and on and on. Seldom do we see the same groups in agreement that we see in agreement supporting the Doolittle amendment. The ACLU, the National Rifle Association, the Christian Coalition, the National Right-To-Life Committee, all agree that the Doolittle amendment protects their right to express their view of how candidates have voted on issues.

Who is going to decide? I know we are probably tired of seeing this voter guide of our colleague, the gentleman from Iowa (Mr. GREG GANSKE), but the voter guide itself that was handed out said clearly at the bottom that this is a pro-family citizen action organization.

Then if we look at the things they are reporting on, a reasonable person might very well decide that this advocates one of these candidates over another. Because they are pro-family, they are Christian, discussing taxpayer funding of abortion, homosexuals in the military, and we have one question here, promoting homosexuality to schoolchildren, and one candidate is seen as opposing that, and another supports that, I think it is pretty clear with this piece of literature that this group is likely to come down on the side of one of these candidates, even though they do not say that on this literature.

Mr. WHITFIELD. Mr. Chairman, will the gentleman yield?

Mr. BLUNT. I yield to the gentleman from Kentucky.

Mr. WHITFIELD. I want to just read from the Shays-Meehan language. Their language says, ". . . words that, in context, have no reasonable meaning other than to urge the election or defeat of one or more clearly identified candidates." Those are two clearly identified candidates.

I think reasonable men and women could have a difference of opinion as to whether or not this is urging the election or defeat of a candidate. Many of these scorecards can. I think the gentleman would agree with me that that could be interpreted to mean you cannot issue these during campaigns. Would the gentleman agree with that?

Mr. BLUNT. Reclaiming my time, Mr. Chairman, I would say that I agree totally. I say that the greater point here is that who is giving the authority to ultimately decide that the FEC or some other location can decide that, in a manner that is very, very disruptive to people trying to freely express their view of the public debate in the country?

If we decide that, are we going to have to get pre-clearance from the FEC? Do we expect the ACLU, the Christian Coalition, the National Right-To-Life Committee, to send in these things in advance? How long does that take? How many things happen after the time they sent their proposed literature in and the time that we would actually want to distribute it that we would in a normal context just simply add before it went to the printer?

We cannot do that because we put this clearance idea in, that somebody has to decide what is reasonable and what is not reasonable. So we have this group of people who are supporting the Doolittle amendment. We have a group of people who consider the exemption we are talking about for scorecards bogus. That includes the American Civil Liberties Union, the American Conservative Union, two groups that do not agree very often on issues; the American Council for Immigration Reform; the Association of Concerned Taxpayers; the Abraham Lincoln Foundation, and the list goes on and on and on.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. BLUNT. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, I appreciate the gentleman being from Missouri, because Missouri just cuts through all the lawyerspeak and gets right to the bottom line.

That is exactly what we have, what we find here. We find a bunch of lawyer language, and that is what we are trying to point out here. It is lawyer language that you can drive a truck through to stop these kinds of voter guides put out by these organizations that every Member that has stood up and opposed the Doolittle amendment has said they do not want to stop.

They claim that because Shays-Meehan has some sort of exemption for voter guides, that that makes it all all right.

The CHAIRMAN pro tempore. The time of the gentleman from Missouri (Mr. BLUNT) has expired.

(On request of Mr. DELAY, and by unanimous consent, Mr. BLUNT was allowed to proceed for 2 additional minutes.)

Mr. DELAY. Mr. Chairman, it is the same organizations that the opponents to the Doolittle amendment say they are trying to save that are supporting the Doolittle amendment.

The whole point here is how in the world, other than taking the Christian Coalition or NAACP or others to court and penalizing them, how in the world are we going to decide what does "reasonable" mean, other than going to court and getting a bunch of lawyers together, costing a lot of money, and restricting people's rights to stand up and say, this Congressman's voter record says this, this challenger's voter record says this, you can compare it for yourself and make a decision. It does not advocate the election or defeat of any one candidate.

What it does say, and I think we are just clearing it up, in Shays-Meehan they make an exception for voter guides. We are just saying, fine, but we want to stop the loopholes that you have written in here, and we want to make sure that we are protected in being able to put out voter guides.

Mr. BLUNT. I thank the gentleman from Texas. I would also say that when we put the word "reasonable" in the law itself, we really create a barrier to groups who do not want to throw their money away; to groups who clearly cannot spend all their time in court, and who see "reasonable" in the law, do not know what that means, decide they really cannot in all likelihood get their message across, so they just believe that their first amendment rights are gone, whether they are truly gone or not.

Who knows what "reasonable" means? How is that defined in the law? Are we going to leave that up to the FEC to decide how that is defined in the law?

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. BLUNT. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, I thank the nonlawyer from Missouri for yielding to me.

Mr. Chairman, I would be interested in my colleague's point of view. Would a campaign piece of literature that simply says nothing more than "Neal Smith is a terrible congressman because he opposed voluntary school prayer," is that a voter guide, in the gentleman's opinion?

Mr. BLUNT. The gentleman's opinion may or may not be reasonable.

The CHAIRMAN pro tempore. The time of the gentleman from Missouri (Mr. BLUNT) has expired.

(On request of Mr. DELAY, and by unanimous consent, Mr. BLUNT was allowed to proceed for 2 additional minutes.)

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. BLUNT. I yield to the gentleman from California.

Mr. DELAY. Mr. Chairman, I would like to answer this. That is one of the reasons I have a problem with the Shays-Meehan language. They say it exempts voter guides, as long as they present information in an educational manner solely about the voting record on the campaign issue of two or more candidates.

The gentleman is absolutely right. If an organization wants to take on one Congressman and talk about his voting record and send out a voting guide, even if he is unopposed, even if he is unopposed, Shays-Meehan prohibits that from happening.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. BLUNT. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, my point was simple. If it is a voter guide exemption, make sure it is a voter guide.

The example I have given to the gentleman from California (Mr. DOOLITTLE), the gentleman from Missouri (Mr. BLUNT), and to the gentleman from Texas (Mr. DELAY) is not a voter guide. It says, this candidate is terrible because of his view on this issue. That is a campaign ad. I thank the gentleman for his courtesy in yielding to me.

Mr. BLUNT. In response to my friend, the gentleman from California, the voter guides that include multiple candidates clearly do show the voting record. Those are the traditional voting guides under the law now. I think it is unlikely that that process would continue. I think it is unlikely that those organizations would be able to distribute those guides.

I think the mechanics of putting the guidelines in place as to what was reasonable and what was not reasonable would be so prohibitive that what we are really saying here is that this is not going to happen, because anybody can take a voter guide and decide who that group was most likely for, whether it is the AFL–CIO or the Christian Coalition.

Mr. HEFNER. Mr. Chairman, will the gentleman yield?

Mr. BLUNT. I yield to the gentleman from North Carolina.

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Mr. HEFNER. I have heard a lot about free speech, but I have not heard anything that talked about, when you send mailers or what have you, truthfulness. When you talk about somebody's voting record, you take just partial voting records or amendments that were in the committee or what have you and distort them, then do not identify who sent it out, this is absolutely not free speech. You do not stand up in a theater and holler fire.

The whole thing, the Doolittle, in my view, the Doolittle amendment opens it up. If some group wants to get together and say, like happened in my district, we had a mailer that said BILL HEFNER and Mike Dukakis, if you want to kill babies, vote for Mike Dukakis and BILL HEFNER. This is not a voter guide.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The time of the gentleman from Missouri (Mr. BLUNT) has again expired.

(On request of Mr. WHITFIELD, and by unanimous consent, Mr. BLUNT was allowed to proceed for 2 additional minutes.)

Mr. BLUNT. I think there are viable laws that do come into effect here. The Doolittle amendment specifically talks about voter guides. If the voter guide that some group sends out is untruthful, there is recourse in that. I think for the Congress to decide what organizations can say, that is the job of the courts, not the job of the Congress. The first amendment did not give to the Congress the right to determine what was truthful language and what could be said in a free society.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. BLUNT. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, the gentleman from Missouri goes right to the point of the gentleman from North Carolina. The Shays-Meehan bill is an attempt by incumbents, incumbents, to decide what you say is the truth, not the courts. They want this Congress to decide and set up regulations to regulate people's participation in the process.

We want to get rid of all these uncomfortable ads that are being run against us because I do not like them and they make me uncomfortable. We want to get rid of the opportunities of people to stand up and say, I voted this way or I voted that way and they either like the way I voted or they dislike the way I voted. We want to get rid of all that so that we could be a little more comfortable and limit people's ability to participate in the process. That is what this is all about. The gentleman from North Carolina pointed that out very well.

Mr. BLUNT. Mr. Chairman, I think it is clear that the job of the Congress is not to be comfortable. The job of a Member of Congress is to represent the people of their district and for that, the way they do that, to be an item of public debate.

Certainly, if people make up untruthful things and distribute them, there are laws that govern that, but the Congress of the United States is not in a position to enforce those laws. We are in a position to encourage that some of those laws be passed, though generally those are going to be State laws. We are not in a position to enforce those laws. That is for somebody else.

What we are trying to do here is decide what is reasonable or not. What we are trying to do here is decide what is comfortable or not.

Mr. HEFNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman said you have recourse for suing someone for sending out information that is untrue. But that is really not, an elected official is pretty much immune from being able to sue anybody.

What makes it so bad is in the closing parts of a campaign where the incumbent or the challenger has no way to respond to a negative mailing or, what we have done in broadcasting, we have done away with the fairness doctrine. There is no fairness doctrine anymore. So in my view the Doolittle amendment absolutely opens up a floodgate to let people do dishonest things for their own personal and for their own special interests with no regard for the truth or the consequences of it.

To me, I just think that the Meehan bill, I do not think that we need the Doolittle amendment. I think it does great harm to the work that these men have done over the years.

I think that there is a move to delay this and draw it out until, hopefully, it will die of old age.

Mr. SHAYS. Mr. Chairman, will the gentleman yield?

Mr. HEFNER. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, the bottom line to this debate is quite simple. Meehan-Shays does not in any way prevent voter guides from happening. But to assure that there was no question in this Chamber, we made sure that we added a section to make it unambiguous that you can provide for voter guides. The gentleman from California deletes our section which protects voter guides.

The bottom line to this issue is, where you have a campaign ad, including those sham "issue ads", then an individual can advertise under the campaign laws. It is bogus, it is wrong, it is totally incorrect to suggest that people do not have a voice. They have a voice outside the campaign law through using voter guides and other non-campaign activity. And they have a voice inside the campaign law by abiding by the same rules as everyone else. They have freedom of speech. We limit what people can raise. We do not limit what they can spend.

And any individual who wants to run an ad on their own can do so as long as it is not coordinated. Coordinated expenditures become campaign ads. But our Supreme Court has made it very clear that individuals cannot be limited on what they spend.

What you are hearing tonight is a bogus debate on the part, in my judgment, of the gentleman from California (Mr. DOOLITTLE) to suggest, one, that we do not allow these. We do allow them. We make it clear. First, we do not forbid them; and, secondly, we make it clear that they are allowed.

Secondly, I would like to take this time, if the gentleman would allow me to proceed, to say that Republicans who received the House Republican conference floor prep were given a very misleading statement about what the Doolittle proposal does and what Meehan-Shays does. I urge my colleagues to totally discount this very inaccurate statement put out by my own Republican Conference.

I thank the gentleman for yielding to me.

Mr. WHITFIELD. Mr. Chairman, I move to strike the requisite number of words.

The SPEAKER pro tempore. Without objection, the gentleman from Kentucky (Mr. WHITFIELD) is recognized for 5 minutes.

There was no objection.

PARLIAMENTARY INQUIRY

Mr. WHITFIELD. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. WHITFIELD. Mr. Chairman, if I have not spoken before and I move to strike the last word, can Members object to that?

The CHAIRMAN pro tempore. The fact that the gentleman offered a pro forma amendment, the Doolittle amendment on the 19th on his own time requires him to ask unanimous consent.

Mr. WHITFIELD. I thank the Chair.

Mr. Chairman, I think the real concern that we have today, the crux of this issue of the debate that we are really talking about today, gets down to this definition of express advocacy. The Supreme Court has consistently and very clearly said that express advocacy is language that explicitly requests the defeat or the election of a candidate. And if it says that, if the ad says that, you must use hard money. And that is money regulated by the Federal Election Commission.

The gentleman was correct. Any wealthy individual, a multimillionaire can go out any time they want to and buy an ad, and that is an independent expenditure. They can expressly advocate the defeat or the election of a candidate.

What we are talking about today is issue advocacy; and these are the many organizations around our country, the thousands of organizations that may want to participate in the political system. The Supreme Court has made it very clear that that is, goes to the very core of a democracy, of the right to speak about issues in an election.

What this bill does is it makes it unclear about what can and cannot be done. That is a chilling of the first amendment right of political free speech.

Now, the gentleman from Massachusetts, one of the cosponsors of this bill, read from paragraph 3 of express advocacy; and he said:

Expressing unmistakable and unambiguous support for or opposition to one or more clearly identified candidates when taken as a whole and with limited reference to external events such as proximity to an election.

Now, reasonable people can have different views about what is and what is not, taken as a whole means this or means that. But the point that I would make, the Supreme Court has already ruled half of that language as unconstitutional in the FEC versus Maine Right to Life case. It has already been ruled unconstitutional, this language that is in this bill. Yet they still want to proceed with it.

In addition to that, they go on and further complicate it by saying that if one of these voter guides urges the election, if words that are in context can have no reasonable meaning other than to urge the election or defeat of a candidate, then it cannot, it is not covered under this exception. And these voting guides have, different men and women have differences of opinion about what they are urging and what they are not urging.

The thing that is so disturbing about the Shays-Meehan bill is that it does nothing about the election money spent by candidates. It does nothing about independent expenditures spent by wealthy individuals, but it shuts the door to all sorts of organizations, if they violate the definition of express advocacy as determined in this bill.

Any ad run 60 days within an election is express advocacy. It has to be hard money. So, in essence, what we do with this language is that we allow the Federal Election Commission to determine who can speak, what they can say and when they can say it.

Mr. SHAYS. Mr. Chairman, will the gentleman yield?

Mr. WHITFIELD. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, when the gentleman says shut the door, I wish the gentleman would clarify what he is saying. If it is, in fact, a campaign ad, it is true it comes under the campaign law. It means that people can raise money and advertise. They still have a right to advertise, they just come under disclosure rules and contributions limits. But they can spend as much as they raise.

Certainly the gentleman would not suggest that the Christian Coalition National Right to Life Committee, the National Rifle Association or any other group would have any trouble raising money and spending. They simply would, for the first time, have to disclose campaign ads.

Mr. WHITFIELD. They would have to go through all the process, the complicated process, the legal process of filing a political action committee, setting up a political action committee, forming all kinds of reports. And that is a chilling effect. We live in a democracy where groups and individuals can talk about elections whenever they want to. And the Supreme Court has consistently said that the only thing that is express advocacy is if you expressly urge the defeat or the election of a candidate. And you all are broadening this so broad that, as the gentleman from Missouri said, you would almost have to go to the FEC in advance and get their permission for running the ad.

I think that is the part of this that disturbs us and the reason that we are supporting the gentleman.

The CHAIRMAN pro tempore. The time of the gentleman from Kentucky (Mr. WHITFIELD) has expired.

(By unanimous consent, Mr. WHITFIELD was allowed to proceed for 2 additional minutes.)

Mr. WHITFIELD. Mr. Chairman, the reason that we are endorsing the gentleman from California's amendment is that he, in essence, returns to the original Supreme Court language here. Basically, there will not be any question about it. That is really what this is all about.

I realize that Shays-Meehan is a good-intentioned bill with all the best ideas that they can come up with. But the fact is it places so many things to interpretation, and the ultimate interpretation is going to be made by a group of commissioners at the FEC who are appointed by a President, and they have their political views.

And so everybody else in America may be, the door may be closed unless they want to go through all this complicated procedure of filing reports and establishing political action committees and hiring election lawyers and doing that.

Ms. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. WHITFIELD. I yield to the gentlewoman from Michigan.

Ms. RIVERS. Mr. Chairman, when the gentleman from North Carolina (Mr. HEFNER) a few minutes ago raised the issue of honesty in ads, there was quite a lot of discussion about that. The argument was that courts could determine the honesty of particular ads and the appropriateness of particular ads relative to libel. Who appoints Federal judges?

Mr. WHITFIELD. Well, Mr. Chairman, I did not make that argument. The President, I think, still appoints them.

I might also add, if the gentlewoman wants to come up with an amendment on truth in advertising for political ads, I would be the first to support it.

Ms. RIVERS. Mr. Chairman, if the gentleman will continue to yield, I am responding to the comments from that side of the aisle a few minutes ago that certainly presidential appointees were capable of making decisions in an electioneering context, and so I do not think it is reasonable to argue on one hand that presidential appointees are inadequate and on the other that they are perfectly adequate. One cannot have it both ways.

Mr. WHITFIELD. Mr. Chairman, my point is that this is the core of our democracy, being involved in political elections. And who can speak and who cannot speak and who determines what they can say and what they can spend, that is okay for candidates. I understand that. That is okay for individuals who are wealthy.

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The CHAIRMAN pro tempore (Mr. SHIMKUS). The time of the gentleman from Kentucky (Mr. WHITFIELD) has again expired.

(On request of Mr. DOOLITTLE, and by unanimous consent, Mr. WHITFIELD was

allowed to proceed for 2 additional minutes.)

Ms. RIVERS. If the gentleman will continue to yield, I wish to ask him about the current system, because right now we have a series of categories that activities fall within. If we are engaged in an independent expenditure, for example, we must meet the criteria and we cannot step out of that.

Mr. WHITFIELD. We do not have to abide by any FEC law.

Ms. RIVERS. To do an independent expenditure? If we work with the campaign of the individual.

Mr. WHITFIELD. The gentlewoman did not say coordinate it.

Ms. RIVERS. That is what I was trying to say, is if we step outside of the law as it exists regarding independent expenditures, it is the FEC who enforces that; is it not?

Mr. WHITFIELD. Of course, if it is coordinated. But a wealthy individual can go out and run an ad.

Ms. RIVERS. The point I am making is that there are laws that currently exist that regulate the behavior we are discussing here. And if one steps outside of that behavior it is the FEC who enforces those laws. They have done it for years and years and years.

Mr. WHITFIELD. Mr. Chairman, I will reclaim my time.

Mr. DOOLITTLE. Mr. Chairman, will the gentleman yield?

Mr. WHITFIELD. I yield to the gentleman from California.

Mr. DOOLITTLE. The gentleman from Connecticut (Mr. SHAYS) indicated my amendment was bogus, but I thought it was interesting that these organizations all consider his so-called exemption for scorecards bogus: The American Civil Liberties Union, the American Conservative Union, the National Right to Life Committee, the National Rifle Association, the National Defense Foundation, amongst many others, the National Legal Policy Center.

Would the gentleman agree that their wording actually makes ambiguous what is now clear and unambiguous in the present law?

Mr. WHITFIELD. Yes, it does. It makes it ambiguous. And reasonable men and women can differ as to what is and what is not allowed.

Mr. DOOLITTLE. Whereas now that is clear. If we do not use certain words, it is clearly beyond the purview of Federal regulation. Now everything is arguably within the purview.

Mr. WHITFIELD. The Supreme Court has made it explicitly clear time and time again. And now we are going to, in my view, make the system much more complicated, much more difficult, and I think we will see less political participation than we would without this legislation.

Mr. DOOLITTLE. And that is the design.

Mr. FARR of California. Mr. Chairman, I move to strike the requisite number of words.

I rise as author of one of the major campaign finance reform bills, a comprehensive cleanup bill, and it contains the same measure in it that Shays-Meehan does. Therefore, I rise to oppose the amendment that is being offered.

This amendment really does not make any reform. It does not clean up anything. It takes the law back to what it is today, and that is not progress. So this amendment is really not about voter guides, it is really about special interest money remaining in politics. The Doolittle amendment, by removing the express advocacy language, maintains the status quo, it means that multi-mega-million dollar campaigns are not run by politicians nor by political parties but can be run by very special interests.

So where in this amendment is the reform? How does maintaining the status quo get us further ahead? In this whole debate, of all the 11 bills that have been brought to the floor by the Committee on Rules and these series of amendments, are all supposed to end up with the law in better shape after we have addressed it than it is today. This amendment does not do that. If adopted, it offers no change.

I think that sometimes these amendments can be classified as red herrings, to really divert our attention from the real issue here, which is how do we stop the money madness that is in campaigns? How do we bring money out of campaigns and really get down to where people are talking to people, not just buying words and buying fancy television ads? Certainly this amendment is not the answer.

Mr. Chairman, I support reform and I am urging strong defeat of the Doolittle amendment. And if there are no other speakers, Mr. Chairman, maybe we ought to move on.

Mr. METCALF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wanted to clear up one point. A previous Speaker stated that there are laws to prevent falsehoods used in ads or campaigns. I have had a lot of experience in campaigns, and to set the record straight, there are no enforceable laws to prevent untruth or even blatant falsehoods in campaigns.

Today, it is not really legal to lie about an opponent in a campaign, but there is no enforcement and, though illegal, no punishment possible. So it happens frequently in political campaigns and I wanted to just clear up that point.

Mr. DELAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am really excited about this debate. I think the American people are really starting to understand what this is all about. This is incumbent protection. This is incumbent comfort. This is making sure that incumbents do not have people out there running around talking about their voting records, making them uncomfortable. This is basically about people's freedom of speech.

I rise in support of the Doolittle amendment because I am not afraid of someone talking about my voting record. I am not even afraid about people going out and running voter guides that distort my voting record. I think that is part of the process. Unfortunately, it is the dirty part of the process. It is a part that makes people very cynical about the process, but it is part of the process.

I feel very strongly that a vote for the Doolittle amendment is a vote for the first amendment. This is very critical. A vote against the Doolittle amendment is a vote to ban voter guides distributed by citizens' organizations, whether they be in union halls or churches or on the internet. I really believe that. Because they have written in lawyerese that creates loopholes that we can drive a truck through and stop voter guides.

Every year thousands of national, State and local organizations, like the Christian Coalition or the NAACP or, as we show here, the ACLU, they publish voter guides comparing elected officeholders on issues of interest to these organizations' memberships. Now, I doubt if there are many in this body who would openly question the right of these groups to make those comparisons, but without this amendment, the Doolittle amendment, Shays-Meehan would threaten, I believe, the ability of these groups to publish and distribute these kinds of voter guides.

Supporters of Shays-Meehan claim that there is a voter guide exemption in their bill. But if we take a closer look at it, at this so-called exemption, it shows that voter guides, such as the NAACP's voter guide, in my opinion, would be banned or, at the very least, regulated by bureaucrats in the Federal Government. The so-called exemption in Shays-Meehan requires a voter guide that talks about the position of one candidate being banned or regulated by the Federal Government. Under Shays-Meehan, a voter guide characterizing a candidate as pro life or pro choice or any other commentary describing a candidate as a civil rights hero, as the NAACP does, would be banned or regulated, in my opinion.

Under the Shays-Meehan exemption, groups could be punished, punished, if after the fact bureaucrats decide that their voter guides or their scorecards were not written in an "educational manner." Decided by "educational police"? I do not know. Under the Shays-Meehan exemption, a scorecard cannot contain words, "that in context can have no reasonable meaning other than to urge the election or defeat of one or more clearly identified candidates."

Now, this language would prevent the ACLU from distributing a voter guide that highlights Members of Congress who have a 100 percent ACLU voting record as members of an "ACLU honor role." They cannot say things like that because that is advocating defeat or election of a candidate, or it could be construed as such under the Shays-Meehan language.

It also prevents the NAACP from calling a Member of Congress a civil rights hero. For example, last month, the NAACP president Kweisi Mfume, former member of this body, released the organization's annual legislative report card on the 105th Congress at a news conference on Capitol Hill. He said, "As the report card circulates through our branches, it will be used in a nonpartisan fashion to punish those with failing grades and reward our heroes." Guess what? Under Shays-Meehan, they could not circulate that kind of report for that kind of purpose.

The Doolittle amendment, I think, would allow groups that post their voter guides and scorecards on the internet to continue to do so, groups like the Americans for Democratic Action, not exactly friends of mine; the ACLU. How about the National Organization of Women? Not exactly my best supporters. They all carry scorecards on their web sites.

The CHAIRMAN. The time of the gentleman from Texas (Mr. DELAY) has expired.

Mr. DELAY. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. CAMPBELL. Reserving the right to object, Mr. Chairman, would the gentleman at some point yield to me during those 2 minutes?

Mr. DELAY. If the gentleman will yield, I said I would, and I would be glad to.

Mr. CAMPBELL. I am looking forward to it.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DELAY. Mr. Chairman, without the Doolittle amendment, the scorecards will have to be removed from the web sites.

Now, make no mistake about it. A vote against the Doolittle amendment is a vote for banning voter guides and scorecards and the Shays-Meehan voting guide exemption is no exemption at all. They may think it exempts, but if we read the language, we can see, and I am not even a lawyer, but I know how I can get through this language and stop a voter guide in a very easy fashion.

The Shays-Meehan bill would impose a chilling effect on the distribution of material that reports on our votes and where we stand on the issues, and the Doolittle amendment protects these voter guides. Nothing in the Shays-Meehan exemption, in my opinion, does. And I just urge my colleagues to vote for the first amendment by voting for the Doolittle amendment.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, I thank the distinguished whip. I really have two brief points and I would appreciate his response to them.

First, does the distinguished gentleman have an objection to requiring that a group that puts out a guide, such as the one by his side, that we know who contributed the money that paid for it?

Mr. DELAY. Yes, I have an objection.

Mr. CAMPBELL. Let me understand the gentleman. He does not believe the citizens of this country have the right to know who pays for an advertisement in a campaign of that nature?

Mr. DELAY. No, because we have experienced—if we believe in the Constitution and the right of people to petition their government, whether it be by writing a petition or talking about my voting record or however they do it, the point is that if we believe in the Constitution and the people having a right to petition their government, then we do not want the government to be able to go and punish these people.

And we have seen time and time again, whether it be the NRA or NOW or others, people that belong to these organizations that want to express themselves are persecuted, in some cases oppressed by their enemies by being able to reveal their names. I do not know why we would want to get at them. Why does the gentleman want to get at them?

Mr. CAMPBELL. If the gentleman will continue to yield. As I understand the logic of the gentleman's position, then, he would never require any disclosure of who is behind funding campaigns?

Mr. DELAY. Not at all.

Mr. CAMPBELL. Not at all?

Mr. DELAY. Absolutely not. Not at all. I am all for the Doolittle substitute that brings full disclosure, full disclosure of people participating in campaigns. Not talking about issues.

The CHAIRMAN. The time of the gentleman from Texas (Mr. DELAY) has again expired.

(By unanimous consent, Mr. DELAY was allowed to proceed for 2 additional minutes.)

Mr. DELAY. Mr. Chairman, I am not advocating issues. Yes, I want my constituents to know who is giving me money to be used in my campaign and how I am spending it. Absolutely. They have the right to know, not some Federal bureaucrat in Washington, D.C.

Mr. CAMPBELL. In a previous colloquy, I believe the gentleman granted that the loophole that is being proposed by the gentleman from California (Mr. DOOLITTLE) would allow an ad that says, "Neil Smith is a terrible Congressman because he opposed voluntary school prayer."

Mr. DELAY. No, no, no. I want to correct the gentleman's premise. It would allow a voter guide, a piece of paper or on the internet, a voter guide that lists the votes and the issues and positions that a Congressman has taken.

□ 1930

If they happen to say that he is a bad congressman because he took a position against their position, I know that is uncomfortable, but they have every right to say that.

Mr. CAMPBELL. Mr. Chairman, I appreciate the courtesy of the gentleman. He has been very kind in yielding to me.

I will only conclude by saying that it is a remarkable position that the gentleman would not want to have disclosed for the light of day who is behind ads that in every respect are the same as campaign ads, listing the name of a candidate, and providing a commentary regarding that person's performance in office. Such an ad that does not even mention another candidate, just that one candidate, is exempt from disclosure.

I repeat. I appreciate the gentleman's candor. It is his position. I just disagree with it.

Mr. DELAY. Mr. Chairman, reclaiming my time, the gentleman is absolutely right. And that is the debate over Shays-Meehan. Shays-Meehan and the gentleman from California want to shut down people's right to talk about issues and positions of people that are participating in the process. That is one issue.

The other issue that the gentleman is talking about is campaigns. Campaigns, they do not have hidden agendas running around in campaigns. They are giving money to me to participate in a campaign. The two are not supposed to cross. In fact, even in Shays-Meehan they talk about the two are not supposed to cross.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The time of the gentleman from Texas (Mr. DELAY) has again expired.

(By unanimous consent, Mr. DELAY was allowed to proceed for 2 additional minutes.)

Mr. DELAY. We have the opportunity to make sure that they do not cross, and it is against the law to do so. The Supreme Court has upheld our position. That is why the Doolittle Amendment reflects and almost quotes the Supreme Court decision.

Mr. WHITFIELD. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from Kentucky.

Mr. WHITFIELD. Mr. Chairman, there are two sides of this. Do the American people have the right to know about these issue advocacy ads and who pays for them? But second of all, on the other side, my colleague mentioned the point, the person who makes the contribution. And the Supreme Court has already declared that individuals have a right to privacy.

In the NAACP versus Alabama case in 1958, they say that privacy and group association is indispensable to the preservation of our system of government; and so what this bill is trying to do is making these people also tell who is giving money and so forth.

Mr. DELAY. Mr. Chairman, reclaiming my time, would it not be interesting that the NAACP would have to disclose who belongs to the NAACP and who is supporting the NAACP to the exposure to whom? Would it not be interesting some of the hate groups out there that would love to know who supports the NAACP and would like to? But the gentleman from California, Shays-Meehan, wants everybody to know it and wants to lay it out there for everybody.

I just find that just really frightening that they not only want to step on our right and freedom of speech, but now they want to step on our right of privacy. I think this is what this is all about is those kinds of freedoms.

Mr. LEVIN. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from Michigan.

Mr. LEVIN. My colleague heard us read the ad that was used in the campaign against the gentleman from Iowa (Mr. GANSKE) in 1996. Was that a campaign ad?

Mr. DELAY. Reclaiming my time, I am not sure exactly the one the gentleman is referring to. The voter guide?

Mr. LEVIN. Mr. Chairman, if the gentleman would continue to yield, the Doolittle Amendment goes way beyond voter guides.

Mr. DELAY. No, it does not. The gentleman is wrong.

The CHAIRMAN pro tempore. The time of the gentleman from Texas (Mr. DELAY) has again expired.

Mr. LEVIN. Mr. Chairman, I ask unanimous consent that the gentleman from Texas (Mr. DELAY) have 2 additional minutes.

Mr. SHAYS. Mr. Chairman, I object. The gentleman has had 11 minutes, and I object.

The CHAIRMAN pro tempore. Objection is heard.

Mrs. LINDA SMITH of Washington. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have had the pleasure to work with many Members who are legitimately concerned about campaign reform. I especially want to commend the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) because they worked on it before I arrived and they are still working on it. And that is very important that I state that because I think what they have done is come a long ways to finally have this debate on the floor.

I support the base purpose of the Shays-Meehan bill, and very likely should we deal with the voter guide issue to support the final bill. The base issue is to stop laundering money from one source to another and eliminate soft money and undisclosed contributions.

So what we have is a base bill that says, and it offends some of the groups, liberal and conservative, that no longer can this tobacco company or group give $5 million to one of the parties and have it divided up and be given to one of these conservative groups in most cases as last year, could have been liberal the year before, and then it comes out with a new voter guide because that tobacco company is really after somebody and they cannot come through the front door.

That is what this bill does. Soft money, which is hiding money, laundering money, is a corrupting force. I know there are many of the same groups that will fight it on the voter guide issue, but really they have started getting other sources of money through the two parties as soft money and large amounts of soft money.

But today, if we want to move this forward, we have to think about how to get it through the Senate, too. One of the biggest oppositions that we have is voter guides. Now, the amendment to Doolittle, it does not go far enough for me. I think that we could have done better; and, as always, we always think we can individually on this floor. But the reality is it did something that makes sense.

Now, is it perfect? No. But it said we are not going to focus on people and their voter guides, which by the way has to go, passed out, read, digested, they take some work, they are true grassroots politics. We are going to focus on the big batches of big money, TV and radio. That is still in here. When he amended the Doolittle Amendment, when he amended it, he brought it to voter guides only.

Now, yes, I have heard the debate. I have been listening to it for some time. And is it perfect? No. I would have a tendency to agree with some of the concerns that the gentleman from Massachusetts (Mr. MEEHAN) and the gentleman from Connecticut (Mr. SHAYS) have and the gentleman from California (Mr. CAMPBELL). But, on the other hand, do we want to pass a bill in the Senate or do we want a debate?

Unfortunately, a lot of posturing is because we all kind of like a debate but we really do not want to change behavior. Soft money being eliminated, this bill passed will eliminate the ability to launder money.

So I am standing here saying that it is not perfect, but eliminating micromanaging of the voter guides is something that, if we do that and we still have the rest of the bill, that we have taken away a lot of the complaints. And then they are just going to have to go back and say, really, we did not like the bill because we wanted to launder money. We liked the soft money being laundered to our groups, and we never had so much money before we found this loophole coming to our groups to fund our staff here in Washington, D.C., and our other activities. And all of a sudden we can fund voter guides through soft money because we got a million, 4 million, whatever, through soft money.

This removes the smoke and gets to the base issues of the most important and most corrupting. And I would advise that we vote for this amendment as amended even if it is not perfect, because then we can get to the real problems, and that is the huge TV buys, the huge radio buys, the laundering of money. And we can get about cleaning up the Senate and have something we can give to the Senate that also removes their objections and gives to them something and not just say, no, we do not want to clean up the system. We just want to have the debate.

Please vote yes for the Doolittle Amendment.

Mr. SNYDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Chairman, it has been a long night. We debated this for a couple hours before we left on the break, and we also have debated it another couple of hours.

There are a lot of Members here, Republican and Democrat, both sides of the aisle, who have worked diligently over a period of years to try to get this bill to the floor. We have before us an amendment that claims to want to do something about voter guides. I have worked on this legislation for years with the gentleman from Connecticut (Mr. SHAYS) and others who are in this Chamber.

We carved an exemption for voter guides. We do not need this particular amendment. We have an exemption in the amendment. There are times this debate has been an outstanding debate. The gentleman from California (Mr. CAMPBELL) in particular I would cite for his lawyerly and scholarly articulation of what the Shays-Meehan bill does with regard to voter guides.

But this is not about voter guides. This is about whether or not the other side is going to try to defeat this bill. So let us have an up or down vote now. And I urge my colleagues, if they are for campaign finance reform, vote no on the DeLay-Doolittle Amendment.

The amendment is not needed, and all it serves to do is to defeat ultimately campaign finance reform.

So I would urge Members to vote no on the DeLay-Doolittle Amendment. I would urge us to move forward on this debate and have a vote.

Mr. WICKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, there is clearly a major difference of opinion about the Shays-Meehan bill and what it does. And those of us who have taken the floor in opposition have opposition for very principled reasons. They support it for principled reasons. But I think one thing is clear that they basically, by the wording of their bill, are going to wipe out the voter guides.

That is why we have got about four dozen organizations spanning the whole ideological spectrum, from the American Civil Liberties Union to the American Conservative Union and everything in between, claiming that this so-called exemption for voter guides in Shays-Meehan is "bogus." And it is bogus. It is bogus because it deliberately blurs the bright line that the Supreme Court handed down in the famous Buckley case in which it has been repeatedly reaffirmed.

When we read that case we see why they gave us a bright line, because it is very difficult to separate issue discussion from advocacy of election or defeat of a candidate. They did not want to chill free speech. That is why they gave us the bright line. That is why they said we had to be clear and unambiguous in urging the election or defeat of a candidate, using words such as "elect" or "defeat" or "support" or "oppose", et cetera. Shays-Meehan, basically in the name of good government, subverts the first amendment.

What could be more clear than the first amendment, which says Congress shall make no law abridging the freedom of speech? They abridge the freedom of speech, and they do it and justify it in their own minds because they think speech needs regulation.

The Founders thought it was too important to be regulated. That is why we fought the American Revolution, and that is why we have a written Constitution with that express provision in it. That is why all of these groups that do voter guides, which is the most grassroots form of activity there is, are urging my colleagues to support my amendment to this bill.

I think it is a bad bill, and I will oppose the bill with or without the amendment. But at least the amendment preserves the integrity of the voter guide system and allows these groups, which many Americans are members of, to go ahead and disseminate the information and not be called into question. Which one of my colleagues would want to have the threat of hiring attorneys, being subjected to months of publicity and spending $400,000 or $500,000 to defend what their own constitutional rights already are?

That is what this amendment is about, to make it clear and unambiguous, and that is why I urge my colleagues to support my amendment.

Ms. RIVERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as I listened tonight, the debate went back and forth, and I kind of had this feeling of being familiar with the debate but not know knowing what it reminded me of. And as I was sitting here thinking, I realized it reminded me of some of the children's stories that I used to read to my kids when they were little and it really had a Dr. Seuss-like quality to it. So as I was listening to the debate, I wrote down a few little comments. It goes like this:

The cat in the hat caused trouble, it is clear. But nothing compared to the trouble right here. The cat was persuasive, as smooth as they come. He convinced those two kids to do things that were dumb. He urged them. He spun them. He did his best to distract. Sort of like this amendment we are told to enact. It is easy to think that the Constitution is on trial. This argument would surely make the cat smile.

Like the cat in the hat, with good tricks at his command, this amendment is all about slight of hand. A loophole exists, it is known far and wide. But the cat in the hat is laughing inside. He laughs at the law. He does not like rules. As a matter of fact, he thinks rules are for fools. It is time to say no, to send the cat on his way, to close off the loopholes and start a new day.

No cards are at stake, no genuine guide. It is only the cheaters who are trying to hide. Vote no on this choice, or surely you will find the same sort of mess that old cat left behind. Say no, say it clear. And with some good luck, we will label what waddles and quacks a duck.

Mrs. ROUKEMA. Mr. Chairman, I rise in opposition to the Doolittle amendment and in strong support of the language in the Shays-Meehan substitute that protects voter guides.

Let's look at current law. Under current law, any group can pay for a printed voter guide with unrestricted funds as long as that voter guide does not contain "express advocacy"—that is, that the voter guide does not urge the defeat or election of a particular candidate.

The Shays-Meehan substitute does not change this.

What it does do is clarify that "express advocacy" is not limited to the use of the so-called "magic words" such as "vote for" or "vote against" or "defeat" or "elect". Express advocacy would also include phrases that indicate "unmistakable and unambiguous" support for or opposition to a candidate.

What does all this mean? It means that under Shays-Meehan, any organization may continue to use unrestricted funds for any voter guide or voting record at any time during the election cycle as long as it does not contain express advocacy and as long as it is not prepared in coordination with a candidate or a party committee.

Let me repeat that.

Under Shays-Meehan any organization may produce any voter guide at any time as long as it is not coordinated with a candidate or a party and contain express advocacy.

Why is this important? Because it makes it very clear that voter guides are already protected and that veil of protection will not be changed by Shays-Meehan.

What would Shays-Meehan change? It would change the way sham, secretly-funded campaign ads have come to dominate our electoral process.

Let me draw your attention to a recent U.S. Senate race in the State of New Jersey. Two of my State's more famous public servants were seeking election and our airwaves were jammed with so-called "educational" issue ads. The subjects of this avalanche of ads were crime, and Medicare, and Social Security, etc. And they tracked nearly identically with the platforms of the two candidates.

But you know what? They were so-called independent ads run by so-called independent groups and developed totally independent of a campaign or a party.

In some cases, they were paid for by soft money. In some cases, they were paid for by secret donors. In every case, they were undeniably campaign ads. (I would also add that in most cases they made the voters of New Jersey even more cynical and disheartened by the political process.)

Mr. Chairman, in Shays-Meehan, we are trying to end this disgraceful trend toward sham campaign ads—the kind of campaign ads that make the American people even more cynical.

My colleagues from Texas and California (Messrs. DELAY and DOOLITTLE) say their amendment creates a "carve-out" for printed voter guides.

This carve out is not necessary.

The Shays-Meehan amendment already protects voter guides. The Doolittle-DeLay amendment would go much farther. It guts the issue advocacy provisions of Shays-Meehan that will reign in sham campaign ads that masquerade as "educational" or issue-oriented.

I thank Messrs. DOOLITTLE and DELAY for adding to this debate. But I submit that their amendment is not necessary. Shays-Meehan protects voter guides. Shays-Meehan attacks secret, sham campaign ads.

□ 1945

Mr. CAMPBELL. Mr. Chairman, I ask unanimous consent that the debate on the amendment, as modified, offered by the gentleman from California (Mr. DOOLITTLE) to the amendment in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS) be limited to the time already expended.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from California (Mr. DOOLITTLE) to the amendment in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MEEHAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 201, noes 219, not voting 15, as follows:

[Roll No. 275]

AYES—201

Aderholt	Gordon	Peterson (MN)
Archer	Goss	Peterson (PA)
Armey	Graham	Petri
Bachus	Granger	Pickering
Baker	Gutknecht	Pitts
Ballenger	Hall (TX)	Pombo
Barcia	Hansen	Portman
Barr	Hastert	Poshard
Bartlett	Hastings (WA)	Pryce (OH)
Barton	Hayworth	Quinn
Bateman	Hefley	Radanovich
Bilirakis	Herger	Rahall
Bishop	Hill	Redmond
Bliley	Hobson	Regula
Blunt	Hoekstra	Riggs
Boehner	Hostettler	Riley
Bonilla	Hulshof	Rogan
Bono	Hunter	Rogers
Brady (TX)	Hutchinson	Rohrabacher
Bryant	Hyde	Ros-Lehtinen
Bunning	Inglis	Royce
Burr	Istook	Ryun
Burton	Jenkins	Salmon
Buyer	Johnson, Sam	Scarborough
Callahan	Jones	Schaefer, Dan
Calvert	Kasich	Schaffer, Bob
Camp	Kim	Scott
Canady	King (NY)	Sensenbrenner
Cannon	Kingston	Sessions
Chabot	Knollenberg	Shadegg
Chambliss	Kolbe	Shaw
Chenoweth	LaHood	Shimkus
Christensen	Largent	Shuster
Coble	Latham	Skeen
Coburn	LaTourette	Smith (MI)
Collins	Lewis (CA)	Smith (NJ)
Combest	Lewis (KY)	Smith (OR)
Cook	Linder	Smith (TX)
Cooksey	Livingston	Smith, Linda
Costello	Lucas	Snowbarger
Cox	Manzullo	Solomon
Crane	McCollum	Souder
Crapo	McCrery	Spence
Cubin	McHugh	Stearns
Cunningham	McInnis	Stump
Danner	McIntosh	Stupak
Davis (VA)	McKeon	Sununu
DeLay	Mica	Talent
Diaz-Balart	Miller (FL)	Tauzin
Dickey	Mollohan	Taylor (NC)
Doolittle	Moran (KS)	Thomas
Dreier	Murtha	Thornberry
Dunn	Myrick	Thune
Ehlers	Nethercutt	Tiahrt
Ehrlich	Neumann	Traficant
Emerson	Ney	Watkins
English	Northup	Watt (NC)
Ensign	Norwood	Watts (OK)
Everett	Nussle	Weldon (FL)
Ewing	Oberstar	Weldon (PA)
Fossella	Ortiz	Weller
Gekas	Oxley	White
Gibbons	Packard	Whitfield
Gingrich	Pappas	Wicker
Goode	Paul	Wilson
Goodlatte	Paxon	Wolf
Goodling	Pease	Young (FL)

NOES—219

Abercrombie	Gejdenson	Millender-McDonald
Ackerman	Gephardt	Miller (CA)
Allen	Gilchrest	Minge
Andrews	Gillmor	Mink
Baldacci	Gilman	Moakley
Barrett (NE)	Green	Moran (VA)
Barrett (WI)	Greenwood	Morella
Bass	Gutierrez	Nadler
Becerra	Hall (OH)	Neal
Bentsen	Hamilton	Obey
Bereuter	Harman	Owens
Berman	Hastings (FL)	Pallone
Berry	Hefner	Parker
Bilbray	Hilliard	Pascrell
Blagojevich	Hinchey	Pastor
Blumenauer	Hinojosa	Pelosi
Boehlert	Holden	Pickett
Bonior	Hooley	Pomeroy
Borski	Horn	Porter
Boswell	Houghton	Price (NC)
Boucher	Hoyer	Ramstad
Boyd	Jackson (IL)	Rangel
Brady (PA)	Jackson-Lee (TX)	Reyes
Brown (CA)	Jefferson	Rivers
Brown (FL)	Johnson (CT)	Rodriguez
Brown (OH)	Johnson (WI)	Roemer
Campbell	Johnson, E. B.	Rothman
Capps	Kanjorski	Roukema
Cardin	Kaptur	Roybal-Allard
Carson	Kelly	Sabo
Castle	Kennedy (MA)	Sanchez
Clay	Kennedy (RI)	Sanders
Clayton	Kennelly	Sandlin
Clement	Kildee	Sanford
Clyburn	Kilpatrick	Sawyer
Conditt	Kind (WI)	Saxton
Conyers	Kleczka	Schumer
Coyne	Klink	Serrano
Cramer	Klug	Shays
Cummings	Kucinich	Sherman
Davis (FL)	LaFalce	Sisisky
Davis (IL)	Lampson	Skaggs
DeFazio	Lantos	Skelton
DeGette	Lazio	Slaughter
Delahunt	Leach	Smith, Adam
DeLauro	Lee	Snyder
Deutsch	Levin	Spratt
Dicks	Lewis (GA)	Stabenow
Dingell	Lipinski	Stenholm
Dixon	LoBiondo	Stokes
Doggett	Lofgren	Strickland
Dooley	Lowey	Tanner
Doyle	Luther	Tauscher
Duncan	Maloney (CT)	Taylor (MS)
Edwards	Maloney (NY)	Thompson
Eshoo	Manton	Thurman
Etheridge	Markey	Tierney
Evans	Martinez	Torres
Farr	Mascara	Towns
Fattah	Matsui	Turner
Fawell	McCarthy (MO)	Upton
Fazio	McCarthy (NY)	Velázquez
Filner	McDermott	Vento
Foley	McGovern	Visclosky
Forbes	McHale	Walsh
Ford	McIntyre	Wamp
Fox	McKinney	Waters
Frank (MA)	Meehan	Waxman
Franks (NJ)	Meek (FL)	Wexler
Frelinghuysen	Meeks (NY)	Weygand
Frost	Menendez	Wise
Furse	Metcalf	Woolsey
Gallegly	Mica	Wynn
Ganske		

NOT VOTING—15

Baesler	Hilleary	Payne
Deal	John	Rush
Engel	McDade	Stark
Fowler	McNulty	Yates
Gonzalez	Olver	Young (AK)

□ 2007

Mr. GALLEGLY and Mr. LAZIO of New York changed their vote from "aye" to "no."

Messrs. GUTKNECHT, EWING, CHAMBLISS, WATT of North Carolina, MURTHA, COSTELLO, COBURN and BACHUS changed their vote from "no" to "aye."

So the amendment, as modified, to the amendment in the nature of a substitute, was rejected.

Mr. THOMAS. Mr. Chairman, I know that certainty is valued highly by this body, and in an attempt to provide a degree of certainty, I move that debate on the amendment offered by the gentleman from Connecticut (Mr. SHAYS) and the following six amendments thereto, if offered by the following Members: First the gentleman from New York (Mr. FOSSELLA); second, the gentleman from Mississippi (Mr. WICKER); third, the gentleman from Florida (Mr. STEARNS); fourth, the gentleman from Mississippi (Mr. PICKERING); and, fifth, the gentleman from Texas (Mr. DELAY), be limited such that no amendment may be debated for longer than 40 minutes.

The CHAIRMAN pro tempore. The motion is not debatable.

The question is on the motion offered by the gentleman from California (Mr. THOMAS).

The motion was agreed to.

Mr. MEEHAN. Mr. Chairman, I demand a recorded vote and, pending that, make a point of order that a quorum is not present.

The CHAIRMAN pro tempore. The gentleman was on his feet and is entitled to be recognized.

Mr. MEEHAN. Mr. Chairman, I ask unanimous consent to speak out of turn for 30 seconds.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MEEHAN. Mr. Chairman, it would be my hope that in order to expedite things here, we would be able to come to an agreement on limiting debate, but at this point, that we could roll votes until tomorrow on any amendments that we take up, and I would ask that we amend the gentleman's unanimous consent request so that votes will be rolled until tomorrow.

Mr. THOMAS. Mr. Chairman, if the gentleman will yield, I would tell the gentleman that it was not a unanimous consent request, because the gentleman objected to a unanimous consent request.

Mr. MEEHAN. Mr. Chairman, I am asking for unanimous consent.

Mr. THOMAS. Mr. Chairman, we moved this measure. It seems to me, given the time, it would be appropriate, since it is only 40 minutes, that we debate and vote on the motion that the Chair was going to recognize, the Fossella amendment, and, if we moved to any others, we would roll the other votes.

Mr. MEEHAN. Reclaiming my time, what my request of the leadership would be is that I am suggesting we would agree to limit debate, but let us make the last vote the last vote of the night, and then come back tomorrow.

It is a reasonable request. It is 8:50 at night.

PARLIAMENTARY INQUIRY

Mr. THOMAS. Mr. Chairman, I have a parliamentary inquiry. Is the gentleman from Massachusetts (Mr. MEEHAN) propounding a unanimous consent request?

Mr. MEEHAN. Yes.

Mr. THOMAS. Mr. Chairman, I did not understand that to be a unanimous consent request.

Mr. MEEHAN. I make a unanimous consent request.

The CHAIRMAN pro tempore. The Chair has the authority to postpone all requests for recorded votes on amendments. The Chair will take under advisement the question of whether to postpone votes.

Mr. THOMAS. Mr. Chairman, my understanding was the gentleman from Massachusetts offered a unanimous consent request, is that correct?

Mr. MEEHAN. Yes, the gentleman is correct.

Mr. THOMAS. Does the Chair understand that the gentleman from Massachusetts (Mr. MEEHAN) offered a unanimous consent request, the content being there be no more votes on any amendments tonight? Is that my understanding of the unanimous consent request?

□ 2015

The CHAIRMAN pro tempore (Mr. SHIMKUS). The Chair has not entertained that request because the Chair has the authority to postpone recorded votes under the rule adopted by the House.

PARLIAMENTARY INQUIRY

Mr. LEVIN. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. LEVIN. Mr. Chairman, I would say to the gentleman from California (Mr. THOMAS), it is my understanding, and tell me if I am correct or not, that the Chair has the authority, and the gentleman from Massachusetts (Mr. MEEHAN) has the right to request that there be unanimous consent that there be no more votes tonight, and the gentleman from California (Mr. THOMAS) has the right to reserve and comment on whether that would be agreeable, in which case I think we could avoid another vote on the gentleman's motion and finish the vote for tonight and go on with the debate.

Does not the gentleman from Massachusetts (Mr. MEEHAN) have the right to move that, even though the Chair has the right to postpone votes at his discretion?

The CHAIRMAN pro tempore. There is no right to move to postpone a vote in Committee of the Whole, and the Committee of the Whole cannot alter an authority conferred by the House.

AMENDMENT OFFERED BY MR. FOSSELLA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

Mr. FOSSELLA. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment Offered by Mr. FOSSELLA to Amendment No. 13 in the nature of a substitute offered by Mr. SHAYS:

Add at the end of title V the following new section (and conform the table of contents accordingly):

SEC. 510. PROHIBITING NON-CITIZEN INDIVIDUALS FROM MAKING CONTRIBUTIONS IN CONNECTION WITH FEDERAL ELECTIONS.

(a) PROHIBITION APPLICABLE TO ALL INDIVIDUALS WHO ARE NOT CITIZENS OR NATIONALS OF THE UNITED STATES.—Section 319(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e(b)(2)) is amended by striking "and who is not lawfully admitted" and all that follows and inserting the following: "or a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to contributions or expenditures made on or after the date of the enactment of this Act.

The CHAIRMAN pro tempore. The Chair will recognize 40 minutes of debate evenly divided by the gentleman from New York (Mr. FOSSELLA) and a Member opposed.

Mr. MEEHAN. Mr. Chairman, I ask unanimous consent to speak out of turn for 30 seconds to clarify the schedule.

The CHAIRMAN pro tempore. The gentleman already has 20 minutes in opposition to the amendment.

Mr. MEEHAN. But I want to know if this is the last vote and if we are going to roll it until tomorrow like I asked, so Members will know.

PARLIAMENTARY INQUIRY

Mr. MEEHAN. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. MEEHAN. Will the Chairman be rolling votes per my unanimous consent request earlier?

The CHAIRMAN pro tempore. The Chair has been requested to put to the Committee the debate and the vote on this amendment and then postpone recorded votes on subsequent amendments debated tonight.

PARLIAMENTARY INQUIRY

Mr. THOMAS. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. THOMAS. Mr. Chairman, my understanding was there was a motion presented to the House for 6 amendments, not more than 40 minutes. That amendment was adopted.

On what basis does the Chair now propound a procedure for dealing with that which has not either been a unanimous consent or an offering on the floor?

The CHAIRMAN pro tempore. The Chair is only proposing putting the question for a vote after the pending amendment is debated.

Mr. THOMAS. In other words, the Chair is now exercising the Chair's right to explain to a Member what may be the parliamentary procedure and the order of business on the floor as determined by the Chair?

The CHAIRMAN pro tempore. That is correct.

Mr. THOMAS. I thank the Chair.

The CHAIRMAN. The gentleman from New York (Mr. FOSSELLA) is recognized.

Mr. FOSSELLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer a very simple, straightforward, and I think a common sense amendment. Under current law, one does not have to be a United States citizen to make a campaign contribution to a candidate for Federal office. My amendment would establish that only United States citizens or United States nationals would be permitted to make an individual contribution to any candidate running for Federal office. Indeed, earlier this year following up on introductions by the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. THOMAS) this House, by an overwhelming margin, sought to ban contributions to Federal elections by noncitizens.

My amendment would also allow the request of the gentleman from the territory of American Samoa (Mr. FALEOMAVAEGA), that would allow noncitizens and U.S. nationals, many of whom reside in the territory of American Samoa, to contribute to Federal campaigns.

I believe fundamentally that American citizens should determine the outcome of American Federal elections.

Mr. Chairman, again, let me just reiterate what this amendment does. Essentially it allows United States citizens, including United States nationals, to determine the outcome of Federal elections.

Currently, noncitizens can contribute to Federal elections. I think that is bad policy; I think that we have seen in the last couple of years how noncitizens have played a major role in funneling illegal money to Federal elections. Indeed, just in today's paper we see how a Thailand firm lobbyist was indicted as a conduit of campaign cash. The indictment brings to total the number 11 of persons charged so far in the Justice Department's campaign finance investigation which began in November of 1996, and all of them have a very similar trait in that they funnel money through people who are residents of the United States, but are noncitizens.

Mr. Chairman, I think that is why we have before us an amendment that just a couple of months ago by a vote of 369-to-43, this House overwhelmingly

banned the contributions to Federal elections for noncitizens. As I stated earlier, I think this would go a long way to bring integrity back into the system we have before us, and essentially and in effect, allow foreign influence of the United States political process to be kept to a minimum.

Mr. Chairman, 369 votes to me is a strong indication of the bipartisan support that this legislation shares in this House, and I would think that every American who is watching this or every American who believes there should be integrity in the system, that American citizens should control the electoral process, particularly those at the Federal level, and would support such an amendment, and I think this would go a long way to clarify the underlying legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. MEEHAN. Mr. Chairman, I ask unanimous consent that the 20 minutes of time allotted to me be controlled by the gentlewoman from Hawaii (Mrs. MINK).

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Chairman, in our efforts, our bipartisan efforts over a period of the last several years to forge a partnership between Republicans and Democrats and find an agreement to comprehensive campaign finance reform, we have made a number of agreements and concessions along the way. We have a majority of the Members of this body who I believe and many of us believe now favor the McCain-Feingold, Shays-Meehan legislation.

The only thing that can defeat the Shays-Meehan legislation is an effort to have an amendment that is harmful to our ability to get it passed. I believe strongly that we should vote on this amendment. If Members are concerned about the specifics of this amendment, we voted and sent the bill over to the United States Senate, we can deal with it that way, or we can deal with it through the Commission as part of the bill that this House passed. We sent a Commission bill, gave them the responsibility to look at what changes there ought to be, other changes, in the campaign finance law.

□ 2030

I would suggest that this would be a change that the Commission could make a judgment on. This may well be an unconstitutional provision. The Commission would have an opportunity to talk to constitutional scholars and determine whether or not this should be part of some other amendment at some other time.

What we need to do at this point is to move forward, to get through this very cumbersome, difficult process, and have a vote up-or-down on the Shays-Meehan bill. I would urge my colleagues to vote against this amendment.

Mrs. MINK of Hawaii. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a very, very harmful amendment to add to this legislation. I ask this body to take a look at me as a person. I ask this body to examine this amendment and the impact it would create in a large percentage of the population of this country.

Just take a good look at me. If I were to hand over a campaign contribution to a Federal candidate, what would be the first thing that the recipient would do? It would be to ask me whether I was a citizen of the United States. I am a third generation American, but they would be forced to ask me that question because of my appearance, whereas the gentleman from New York, the gentleman from Massachusetts, tendering a contribution, would never have to be offended by such a request.

That is the cardinal offense that comes with the acceptance of this kind of provision, because it is implicitly discriminatory upon a large segment of our society that looks different than the basic majority.

There is nothing in this Constitution that says that the protections of the Bill of Rights extend only to United States citizens. Throughout it there is reference to people, to persons. There have been court decisions time and again that have extended the protections of the Constitution to all persons living within the United States.

We have had a great problem in the Congress making a distinction between illegal residents and legal permanent residents. Legal permanent residents have gone through all the processes. They have spent years to even come to the United States. They have come here with the purpose of being lawful, participating people in this great democracy. What are we afraid of, of these legal residents? We should not be. We should be welcoming them as participants in this democracy.

This Congress first took away their food, threatened to take away their health care, refused to give them disability protections, injured the elderly and the children and the sick among this category of so-called legal permanent residents.

Let us not make a mockery of the openness of this society, of the fierceness with which we defend the Constitution, and tonight adopt an amendment that says, yes, we welcome you into the country, but we will not allow you to be participants. We forbid you to make contributions to candidates. To me that really offends not only the core symbol of this democracy, but it is absolutely unconstitutional.

Pass this amendment and I am sure it would be taken to the courts and it will be stricken from the bill. Do not disgrace the Constitution by supporting this kind of amendment.

Mr. FAZIO of California. Mr. Chairman, will the gentlewoman yield?

Mrs. MINK of Hawaii. I yield to the gentleman from California.

Mr. FAZIO of California. Mr. Chairman, I want to congratulate the gentlewoman on an outstanding presentation to her colleagues. I think many of us who, as the gentlewoman said, look like the majority in this country would not have thought of the implicit distinction that people would have to make in order to make clear that a contributor was a citizen or legal resident of this country who had not attained nor sought citizenship.

There are thousands and thousands and thousands of people who, since the Federal election law has been in place, have contributed to candidates of both parties and to third and fourth parties all across the country, raising no issue, no scandal, no problem. They simply have attested to the fact that they care about the country they live in; that as people who go to work every day and invest in it and create jobs for others, they want to have some say about the atmosphere in which they go about living their life.

Mrs. MINK of Hawaii. Mr. Chairman, I make the assumption in my district that everyone who wants to participate in my campaign is welcome. If they want to make a contribution to my campaign, they are welcome. I am not going to ask them to prove to me that they are a citizen of the United States. I do not carry around anything in my pockets or anywhere in my possession that I know of that proves that I am an American citizen.

I pay taxes, I was born in America, my parents were born here. Why do Members want to impose this kind of incriminating disability on tens of thousands of honest, hard-working people in districts like mine? But that is what Members are going to force me to do. They are going to put me in jail and make me a criminal because I have taken a contribution from someone in my constituency that I love and I respect, because I did not have the whatever it was to insult him by saying, are you a citizen?

That is really what we are doing tonight, we are absolutely tearing away the very shreds of this democracy which says that people who come to this country and love this country ought to be able to participate in it. I ask this House to please defeat this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. FOSSELLA. Mr. Chairman, I yield myself such time as I may consume.

I would just note for the RECORD, Mr. Chairman, I noticed, respectfully, of course, that my colleague, the gentleman from Massachusetts (Mr. MEEHAN), objects to this amendment, but

earlier this year he, along with 369 of our colleagues, voted to support almost identical legislation. Indeed, this is broader than the piece of legislation we voted on earlier.

Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I would like to say to the gentleman from Massachusetts (Mr. MEEHAN), if he is here, that the Meehan-Shays bill is not a perfect bill. If the gentleman expects to have support from Members of this body, do not tell us to take it the way it is and do not try to amend it. That is not acceptable in this body.

I have great respect for the gentlewoman from Hawaii, but I am amazed and surprised at her comments here tonight. It is patently absurd to suggest that the gentleman's amendment is unconstitutional. It is discriminatory in only one way, only one way. It differentiates between citizens and noncitizens. It also takes into account the fact that we have U.S. nationals in places like American Samoa, to the credit of the author of the amendment. The House has voted on this very type of amendment and approved it before by a very large vote.

To this Member, it is very simple. If you want to be fully involved in our political process, then you must become a citizen of the United States. If you do not make the full commitment to our country by becoming a U.S. citizen, then you should not have the right to participate in our political system in the ultimate fashion, by making a campaign contribution and affecting the lives of American citizens. You should not have a role in electing American officials.

Most Americans believe this is the law already, but in fact, as we learned last year, you can simply be a permanent resident of the United States, and in fact be a resident, and then it is not illegal to make a political contribution.

There is no requirement on the gentlewoman, for example, to do a citizenship test of the people that might make contributions to her campaign. All she would have to do is simply say, "Are you a citizen?" And when you fill out a contributor's form you would have to attest that you are a citizen.

We have had problems in the recent presidential campaign which have cast a cloud on Asian Americans. That is deeply, deeply regretful, because that is an inappropriate cloud. But there is no reason why there is any additional discriminatory scrutiny given to a Caucasian from another country or a Hispanic from South America than there is an Asian American who is a citizen or a U.S. national.

I think it is a very obvious conclusion that the process of electing our officials should be a right reserved for citizens. It is wrong and dangerous to allow even the potential to exist for undue foreign influence in electing our government. That is what the American people expect. That is what they want. That is what the gentleman's amendment does.

I urge Members to support the gentleman's amendment.

Mr. Chairman, this Member rises today in support of the amendment offered by the distinguished gentleman from New York [Mr. FOSSELLA], which would prohibit foreign individual campaign contributions or expenditures and allow such contributions or expenditures only from United States citizens or United States Nationals. The Fossella amendment is almost identical to H.R. 34, which this Member sponsored as one aspect of necessary campaign finance reform legislation, and which was previously passed by the House by a vote of 369 to 43 (with 1 Member voting present) on March 30, 1998. The only difference between the Fossella amendment and this Member's original legislation (H.R. 34) is that the Fossella amendment would appropriately allow United States nationals (as defined by the Immigration and Nationality Act) to make individual campaign contributions or expenditures to Federal candidates.

However, it is apparent that a serious problem really for the first time came to the attention of the American public during the 1996 presidential election season—campaign contributions from foreign sources. The abuse that allegedly resulted from foreign campaign contributions in the recent presidential campaign is a terrible indictment of our current campaign finance system.

Many Americans believe that it is already illegal for foreigners to make Federal campaign contributions. The problem is that they are both right and wrong under our current Federal election laws. The fact of the matter is that under our current Federal election laws, you do not have to be a U.S. citizen to make campaign contributions to Federal candidates. Under our current Federal election laws, you can make a campaign contribution to a candidate running for Federal office if you are a permanent legal resident alien—a permanent legal resident alien and you, in fact, reside in the United States.

This Member believes that this situation is wrong, this Member believes that most Americans would agree it is wrong, and this Member believes that it is a problem begging for correction. Therefore, this Member introduced H.R. 34 on the first day of the 105th Congress to change our current Federal election laws so that only U.S. citizens are permitted to make an individual contribution to a candidate running for Federal office.

An overwhelming number of this Member's colleagues agreed with the purpose of H.R. 34; as of March 30, 1998, the House passed H.R. 34 by a vote of 369 to 43 (with 1 Member voting present).

Indeed, the Congress must be concerned about the issue of legal and illegal foreign campaign contributions. Everyone here today should be concerned about this recent insidious development in our presidential election process, and should understand that these statutory and procedural changes like the passage of the Fossella amendment are necessary to protect the integrity of the American electoral process. We must insure that it is Americans who choose our President and Congress.

We simply cannot allow foreign corporations and foreign individuals to decide who is elected to public office at any level of our government. Therefore, the Fossella amendment, which would require that only U.S. citizens and U.S. nationals be allowed to make individual contributions to candidates for Federal office (and which is virtually identical to this Member's bill—H.R. 34), must be a priority for the 105th Congress. This issue must be addressed and this Member intends to push for this change until successful.

In conclusion, this Member would ask his colleagues to strongly support the Fossella amendment—the essentially identical text of this Member's bill, H.R. 34, which previously passed the House by an overwhelming majority—as an important step forward campaign finance reform.

Mr. FOSSELLA. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. PAXON).

Mr. PAXON. Mr. Chairman, there are many controversial amendments that are being offered and have been offered, but not this one. On this one there is near unanimity in this body, whether we are on this side of the aisle, Republicans, or that side of the aisle, Democrats, liberals or conservatives, from whatever region of the country, there is agreement that this amendment needs to be part of this legislation.

As a matter of fact, in March when we voted on a similar amendment, a similar piece of legislation, H.R. 34, the Illegal Foreign Contributions Act, it passed with 369 votes. There are few things in this body that have enjoyed the depth and breadth of support that this idea did in the form of the legislation then, H.R. 34, and today in the form of the amendment offered by the gentleman from New York (Mr. FOSSELLA).

Why should there be such unanimity? It is just common sense, for two reasons. First, only U.S. citizens and U.S. nationals should be allowed to contribute to Federal campaigns. Back at home this is not rocket science. People would assume this should be the case. We should not even be talking about this, because they would have assumed long ago we would have made sure this was the case.

Of course, number two, common sense is a result of this amendment in the action of the gentleman from New York, no foreign dollars would be allowed to be part of our system. We know what has happened in recent months, and we have been witnessing in the papers even today about the influence, the attempted influence, of our system by foreign dollars.

I am very pleased that the gentleman from New York is taking this step so we can be certain that whatever reform

legislation passes this House, that this idea, this important step to ensure the integrity of our American political system, is part of it.

I tip my hat to the gentleman from New York, and most importantly, to the Members of this Chamber who I know will be voting overwhelmingly, as we did last March, to make this important part of this reform move forward.

Mrs. MINK of Hawaii. Mr. Chairman I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I want to support the gentlewoman from Hawaii, and say that I was one of those, part of that overwhelming 300 or so, who voted when we had this amendment on suspension a couple of months ago, who voted in favor of eliminating the right for permanent residents to be able to contribute.

After that time I was overwhelmed, if you will, by so many constituents in my district, which is a very multi-ethnic district. A lot of Asian Americans live in my district. They explained to me how insulting this was, if you will, that to say that people who are here, who become permanent residents, who would like and in most cases are trying to become citizens of the United States, that this is the one opportunity they have, really, or one of the few opportunities they have to express their will and get involved in the political process.

I think it is a mistake for us to deny them that. I think that I understand the point of view that says, well, you should be a citizen to fully participate in our democracy, but this is not—this is a form of participation, a very small form of participation, that I think we should allow permanent residents to be able to contribute and participate in this way.

□ 2045

Mr. FOSSELLA. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I rise today in strong support of the Fossella amendment. It seems like deja vu. We have been here before.

Just a reminder about 1996, during the election cycle, the Democratic National Committee was forced to return over $2.8 million in illegal or improper donations. I was surprised and dismayed by that. The American people were dismayed and, frankly, frustrated over the ability of foreign nationals to wield such influence over our election process without casting a single vote.

It is why I introduced H.R. 767, which was the Common Sense Campaign Reform Act. That bill provided a common-sense, three-step approach to address the problems inherent in the current system. One step of the three would prohibit individuals who are not eligible to vote from contributing to candidates for Federal office or political parties.

I commend my colleague, Mr. FOSSELLA, for incorporating into his amendment the spirit of H.R. 767. Banning contributions from non-U.S. citizens reinforces the important message that American citizens and only American citizens elect their representatives in government, not foreigners.

Now, contrary to what I have heard over here, this is not harmful. It does not need a commission. It simply needs a vote, just like the last time.

By the way, this bill is more inclusive than the last bill. It is a better bill in response to the comments over here.

Mr. Chairman, foreign influence in our elections has eroded the American people's confidence in our democratic process and left far too many voters feeling demoralized and disenfranchised. While this bill is no sweeping reform effort, it does address one of the system's most glaring problems, the influx of foreign money in our political process.

I urge my colleagues to support this vital, common-sense piece of legislation.

Mr. FOSSELLA. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I thank the gentleman from New York for bringing this amendment to the floor. I think it clearly does what most Americans think is already the case.

Some of my colleagues tonight have even said, I thought that is what the law already said, wondered why we passed this with such an overwhelming vote just a couple of months ago. Even the Shays-Meehan language tries to address this issue but I think does not adequately address the issue of expenditures.

This amendment clearly takes foreign citizens out of our election process as contributors. We have seen that ability of foreign citizens living in the United States to use our system in a negative way in just the last cycle of elections. We have heard example after example after example of citizens of other countries living in the United States who gave money, a lot of questions as to where that money came from, some apparent proof that that money was funneled into our politics through these people living in the United States from other governments. But if this law was on the books, that would not be allowed.

The House overwhelmingly voted to make this common-sense reform. This clarifies not only that people cannot give money to campaigns, they cannot independently spend money to affect campaigns, something that virtually all Americans believe to be the case today.

This amendment avoids the problem simply by banning all expenditures by noncitizens. H.R. 34 amended the law by banning contributions from foreign nationals. This clarifies that.

I urge my colleagues not to change their vote, not to have to explain why their vote 2 months ago is different than the vote they cast tonight but to be consistent on understanding this problem that has already seen abuses in the most recent series of campaigns, to change our laws so that those abuses cannot occur in the future, to make that part of any changes we make in campaign finance reform so that the laws are enforced, the laws are enforceable, and we do not continue to have the same kinds of problems that everybody understands were part of the last cycle of elections.

I urge my colleagues to vote for this. Actually, I would be delighted just to see my colleagues who voted for it the last time to vote for it this time or to come up with a pretty good explanation when they go back and talk about this topic, to talk about why that vote was one way 60 days ago and another way today.

I urge my colleagues to pass this. I think it will pass. I am grateful to the gentleman from New York for offering this amendment tonight.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, this is a bad amendment. Like a lot of other Members, in the enthusiasm of the early days following the last election I supported the idea that we should constrain the rights of new Americans and permanent residents to participate to the fullest in our election process. That was a mistake. It was wrong.

These are not citizens but they are people who have been permitted to come here. They will become citizens almost without exception in the orderly passage of time. They serve in our Armed Services. Indeed, there are better than 20,000 of these permanent residents who now serve the United States in our Armed Services. I would say that we ought to permit them to have full participation.

After all, it is the main thesis of my good colleagues and friends on the Republican side of the aisle that the giving of campaign contributions is an exercise of the right of free speech. Indeed, the Valeo case says so. Why then is it that we should deny these people who have come here, who have entered the country legally and who are for all intents and purposes, from tax paying to serving in the defense of this Nation, acting almost completely as American citizens?

Almost without exception, they intend to become American citizens. Almost without exception, they have a great reverence and love for this country. I think there is nothing wrong with permitting them to have that additional right of participating in our election process by making campaign

contributions under the same basis that any other person who resides legally and permanently here.

I would urge my colleagues to reject the amendment offered by my friend and colleague on the Republican side. I would urge them to err in this matter, if we do err, and I do not believe so, on the side of seeing to it that the fullest of participation of citizenship in this important aspect is extended to those who are permanent residents of the United States.

With regret, I say this is a bad amendment. With regret, I say let us vote it down. And let us then proceed towards the enactment of the Shays-Meehan bill, which is a good piece of legislation in the public interest, and let us allow permanent residents, legally entered into the United States, to participate in the full exercise of free speech, looking to the day when they can become citizens and can actually have the right to vote.

Mr. FOSSELLA. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, it is certainly a pleasure this evening to join the gentleman from New York in support of the Fossella amendment.

I have found it amazing to hear the discussion on this amendment, an amendment that says you must be a citizen of the United States to contribute to and influence elections. You must be a citizen of the United States to participate in elections. But it seems for some to be all right to give thousands of dollars that might change thousands of votes when you are not a citizen.

I find it incredible. Some have said it is unconstitutional. We know that is a joke. Someone said it was harmful to the bill if it passed. But they did not explain how it was harmful.

Maybe if it is not right, they said, we can fix it in the Senate or maybe in a conference committee. And then the one that amazed me, because bureaucrats always scare me, it was said, we can deal with it over at the commission if it is not right, telling the commission that they must determine whether it is appropriate for people that are not citizens to give to campaign contributions.

I also found it amazing that someone called it a cardinal sin and very offensive to be asked if you are a citizen. My grandparents came from Sweden. If someone asked me if I am a citizen, I will say, you bet I am and proud of it. Most of the newest citizens that I know, when asked if they are a citizen, they beam. They are so proud to be an American. It is not offensive to be asked. It is not an insult to be asked if you are a citizen.

What will be the impact if we do not do this? If we do not do this, it will be easy for those who are seeking the White House to continue to funnel foreign money into their coffers. That is what it will do.

Do my colleagues like what happened in 1996? I do not. Future Congress races, future Senate races will be easier to get foreign money and use it to win elections, which is wrong in this country.

Mr. Chairman, this is a clean, simple amendment. The law says you must be a citizen to vote. Why should you be able to influence elections with cash if you are not a citizen? You may influence thousands of votes.

This is the simplest, cleanest amendment we will face on campaign finance reform. I urge all of my colleagues on both sides of the aisle, let us stand for the Constitution. Let us stand for citizenship. Then if we are going to participate in elections in this country, you need to be a citizen, to vote and to contribute.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, I voted in favor of this amendment when it stood separately. I now will vote against it. Why?

Since it passed before, we do not need it to be attached to this bill for its substance. The only reason it is being attached to this bill now is to defeat Shays-Meehan. Why? Because Shays-Meehan has to stay as close to identical to what passed or came close to passing with 57 votes in the Senate for cloture. Do not support this amendment if you are committed honestly to campaign finance reform. The further Shays-Meehan departs from what could pass in the Senate, the less our chance.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 30 seconds to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, the gentleman from New York (Mr. FOSSELLA) pointed out that his amendment has already passed this body as a stand-alone bill. So why are we debating it now? We are debating it because, I would venture to say, many Members who support this amendment and who are trying to add amendments to Shays-Meehan are trying to defeat the bill, which has 218 votes to pass this body if we keep it in the form that it is in that is like the McCain-Feingold bill that has the majority of votes in the Senate.

I call on my colleagues, if they are for reform, vote against this amendment.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 2 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Chairman, I thank the gentlewoman for allowing me to say a few remarks with reference to the amendment now at hand.

I would like to ask my good friend from New York for a dialogue concerning his amendment because there does seem to be a lot of misinformation going around here concerning the gentleman's amendment. I do want to thank him for his understanding of the uniqueness of the situation.

I know my colleagues probably are not aware I am the only representative that represents U.S. nationals in the great United States of America. By definition of the U.S. immigration law, a U.S. national is any person who is born in the confines of American Samoa, who is a permanent resident, not permanent resident, born and raised in American Samoa who owes permanent allegiance to the United States but he is neither a citizen nor an alien.

You tell me what that means? But I would like to ask the gentleman from New York if his understanding of a U.S. national is in that category and the reason for his amendment is that U.S. nationals can contribute to Federal elections?

□ 2100

Mr. FOSSELLA. Mr. Chairman, will the gentleman yield?

Mr. FALEOMAVAEGA. I yield to the gentleman from New York.

Mr. FOSSELLA. To my colleague from American Samoa, Mr. Chairman, it was in a conversation that my office had with his office, in an effort to address this issue and his concern, and particularly with the letter dated May 12 of 1998, that we sought to allow U.S. nationals to contribute to Federal elections.

Mr. FALEOMAVAEGA. Reclaiming my time to just ask, because I was hoping that maybe the issue of permanent resident aliens and green card holders would be addressed at another time, but this is very key and important, and I want to ask my friend does his proposed amendment exclude permanent resident aliens from participating and contributing to U.S. elections?

Mr. FOSSELLA. If the gentleman will continue to yield, this amendment simply allows for United States' citizens and United States' nationals to contribute to Federal elections.

Mr. FALEOMAVAEGA. So, by omission, permanent resident aliens cannot contribute in U.S. Federal elections?

Mr. FOSSELLA. That is correct.

Mr. FALEOMAVAEGA. Is the gentleman aware that permanent resident aliens are subject to the U.S. draft?

Mr. FOSSELLA. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I would say to the gentleman from New York, I would be glad to take 2 minutes and allow 1 extra additional minute for the gentleman from American Samoa so he can finish his colloquy, because I think he is on a point the Members should understand.

Because I have an amendment that comes later which is very similar to

the amendment of the gentleman from New York, and I support his amendment, but my amendment goes a little further and takes it down to the State and local level and also points out that one cannot solicit contributions. So this means that a U.S. citizen cannot go out and solicit contributions from people that are not citizens.

I support the gentleman's bill, but I would like to point out for the Members here that there is a controversial point here and it all pivots around the idea that we are not talking about U.S. citizens, we are not talking about U.S. nationals, we were talking about U.S. permanent legal aliens, is the term. And in many parts of the country these people want to participate.

Mr. FALEOMAVAEGA. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from American Samoa.

Mr. FALEOMAVAEGA. Mr. Chairman, I thank the gentleman for yielding, because we do need to understand exactly what is a permanent resident alien. A permanent resident alien is an alien who petitions the Immigration and Naturalization Service for his status, for which he is then issued a green card under the provisions of a quota number that is given to that person.

By those conditions, a permanent resident alien is subject to the draft in times of a national emergency. I had several friends who were permanent resident aliens who were Vietnam veterans. They were subjected to the draft. Also, a permanent resident alien, after 3 years serving in the military, can also become a U.S. citizen, if he so wishes.

Mr. STEARNS. Reclaiming my time, Mr. Chairman, I thank the gentleman for that clarification.

I think the Members on this side who are saying they are against the gentleman's amendment must go back and realize that they have voted for this identical language and they are going to be flip-flopping on this floor because that bill passed 368; overwhelming.

The fact it is a stand-alone bill has no relevance here because it is the same words. So my colleagues have to know in their heart of hearts that they are going to flip-flop tonight if they do not support the amendment of the gentleman from New York.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, this is one of those difficult moments in the process of bringing forth a comprehensive bill with many supporters. We tried to identify amendments as killer amendments, harmful amendments, benign or helpful amendments, and essential amendments to help the bill pass. For some, this is a killer amendment. I have to be candid with my colleagues, those who support Meehan-Shays, we are going to lose some supporters in the end if this amendment passes. It is likely to pass.

But one of the things I find extraordinarily ironic is I hear Members say there is agreement this amendment has to be part of Meehan-Shays. Yet the people who are saying it are not going to be voting for Meehan-Shays. So this is not particularly a friendly amendment. We already passed this legislation last year. It is waiting in the Senate. It can be dealt with there. To attach it to this bill will do what I think it is intended to do, which is to make it more difficult to pass Meehan-Shays. I accept this. I understand it.

What I would also like my colleagues to understand is that the real foreign money problem is with soft money, and the opponents of Meehan-Shays do not want to ban soft money. The foreign nationals who gave money gave soft money. They did not give hard money contributions. All the outrages that people are thinking of are soft money and yet so many who are concerned about foreign money are opposed to banning soft money.

When I look at this legislation, I have to tell my colleagues I understand that some just think people who live in this country, who are not legal, should not be allowed to contribute. I am grateful they are legal. I am grateful that they ultimately want to become citizens. And I regret my vote when I voted for it in the past, and I will vote "no".

I will say this. I encourage my colleagues who feel strongly against this amendment, do not let them win in the end. If they succeed in attaching this amendment, do not walk away, because that is the real reason why they are presenting this amendment. And I encourage my colleagues to realize that we cannot allow this amendment, if it passes, to be a killer amendment because they will have won.

Mr. FOSSELLA. Mr. Chairman, I yield myself such time as I may consume to urge all Members just to reflect upon the highest oracle of wisdom, and that is the experience of voting for this same, almost identical piece of legislation, but broader, just a few months ago.

The reality is that if Shays-Meehan were to pass, I think we would like as perfect a bill as possible and, in effect, what my amendment would do would only allow United States' citizens and United States' nationals to contribute to Federal campaigns.

Mr. Chairman, I reserve the balance of my time.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Please, Members, do not confuse the term foreign national with what this bill really does, and that is it goes after lawful permanent residents. Foreign nationals are people who may be visiting, may be coming to this country on occasion, but they are nationals, citizens of another country and do not have intentions of staying. Lawful permanent residents are exactly what the term says, they are lawfully here, they are permanently here and they are on their way to becoming U.S. citizens.

This amendment is a sweeping indictment of the 8 or 10 million people who are lawful permanent residents, 2 million of whom are waiting up to 3 years to become U.S. citizens. This amendment is telling all those folks, tough luck. This Congress has been very good at stripping rights from lawful permanent residents, but it is very bad, and I am willing to give them what they deserve, the opportunity to participate.

We tax lawful permanent residents. We expect them to defend this country in times of war, and they do, and we have Medal of Honor winners to prove it. We expect them to adopt a civil life in America, yet we want to now with this amendment exclude them from future participation.

Members should vote against this amendment if they are serious about campaign reform. Vote against this amendment.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Hawaii (Mr. NEIL ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Chairman, it has been said several times tonight that we had an overwhelming vote on this before, and I think that is probably because we did not necessarily have the full implications before us.

I certainly do not fault what the gentleman from New York (Mr. FOSSELLA) is trying to accomplish in terms of trying to keep money that should not be in our campaigns out of it. But here I want to emphasize to all of my colleagues that we are talking about legal permanent residents; people who have served in the armed forces. We are in a situation in which we can have convicted felons who cannot vote, they can give money to a political campaign, but a legal permanent resident who is paying taxes, working hard, raising their families is not going to be allowed to give.

I am speaking right now because my colleague over there is the one who is going to be asked. I get out of it. I listened to some people on the floor say "if I was asked". I guarantee if someone looks like me, with the same physiognomy that I do, they will probably not get asked. But who is going to get asked are the people who are likely to be seen as foreign.

Anybody who is in this country under the protection of the Constitution is deserving of participating fully in our constitutional and democratic government.

Mrs. MINK of Hawaii. Mr. Chairman, I yield myself such time as I may consume, and I rise in very, very strong opposition to this amendment. We all came to this body, we took an oath of office, we swore to uphold the Constitution of the United States.

We all came to this body and we took an oath of office: We solemnly swear to uphold the Constitution of the United States. The First Amendment says Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof or abridging the freedom of speech, and to petition the government for a redress of grievances.

Nowhere does the Constitution say that this right under the First Amendment is reserved to U.S. citizens. This affront today denying the right of legal people who have come through the process from exercising their right to petition to those who seek to represent them in the Congress from contributing is an absolute denial of free speech, a violation of the First Amendment and absolutely unconstitutional. I do not believe that we, as a dignified body, should adopt this amendment in this reform legislation.

The CHAIRMAN pro tempore (Mr. GIBBONS). The time of the gentlewoman from Hawaii (Mrs. MINK) has expired.

Mr. FOSSELLA. Mr. Chairman, I yield myself such time as I may consume.

Let me remind my colleagues again that 369 of them voted just a few months ago to support the almost identical legislation. The reality is that you can think what you want about what the Americans think about the campaign finance system and how important it is to their lives relative to education or taxes. The reality is that if you vote against this amendment you are going to continue to allow noncitizens to influence the electoral process in this country.

I submit, Mr. Chairman, and every colleague of mine in this House that what the American people want is for United States citizens and United States nationals to control the process, to vote and to contribute. If we vote no on this amendment what we are saying is that noncitizens can continue to influence the American election. If we vote yes on this amendment what we are saying is United States citizens, United States nationals, have the right to contribute, have the right to vote, have the right to influence our process.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. FOSSELLA) to the amendment in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mrs. MINK of Hawaii. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 282, noes 126, not voting 26, as follows:

[Roll No. 276]

AYES—282

Aderholt	Fossella	Matsui
Archer	Fox	McCarthy (MO)
Armey	Franks (NJ)	McCollum
Bachus	Frelinghuysen	McCrery
Baker	Gallegly	McHugh
Baldacci	Ganske	McInnis
Ballenger	Gejdenson	McIntyre
Barcia	Gekas	McKeon
Barr	Gibbons	Metcalf
Barrett (NE)	Gilchrest	Mica
Bartlett	Gillmor	Miller (FL)
Barton	Gilman	Moakley
Bass	Goode	Moran (KS)
Bateman	Goodlatte	Myrick
Bentsen	Goodling	Nethercutt
Bereuter	Gordon	Neumann
Berry	Goss	Ney
Bilbray	Graham	Northup
Bilirakis	Granger	Norwood
Bishop	Green	Nussle
Bliley	Greenwood	Obey
Blunt	Gutknecht	Oxley
Boehner	Hall (TX)	Packard
Bonilla	Hamilton	Pappas
Bono	Hansen	Parker
Boswell	Harman	Paul
Boucher	Hastert	Paxon
Boyd	Hastings (WA)	Pease
Brady (TX)	Hayworth	Peterson (MN)
Brown (OH)	Hefley	Peterson (PA)
Bryant	Herger	Petri
Bunning	Hill	Pickering
Burr	Hinchey	Pickett
Buyer	Hobson	Pitts
Callahan	Hoekstra	Pomeroy
Calvert	Holden	Portman
Camp	Hooley	Poshard
Canady	Horn	Price (NC)
Cannon	Hostettler	Pryce (OH)
Castle	Houghton	Quinn
Chabot	Hulshof	Radanovich
Chambliss	Hunter	Rahall
Chenoweth	Hutchinson	Ramstad
Christensen	Hyde	Redmond
Clement	Inglis	Regula
Coble	Istook	Riggs
Coburn	Jenkins	Riley
Collins	Johnson (WI)	Rivers
Combest	Johnson, Sam	Roemer
Condit	Jones	Rogan
Cook	Kaptur	Rogers
Cooksey	Kasich	Rohrabacher
Costello	Kelly	Rothman
Cox	Kennedy (MA)	Roukema
Coyne	Kennelly	Royce
Cramer	Kildee	Ryun
Crane	Kingston	Salmon
Crapo	Kleczka	Sanchez
Cubin	Klink	Sanders
Cunningham	Klug	Sandlin
Danner	Knollenberg	Sawyer
Davis (VA)	Kolbe	Saxton
DeLauro	Kucinich	Scarborough
DeLay	LaFalce	Schaffer, Bob
Dickey	LaHood	Schumer
Dooley	Largent	Sensenbrenner
Doyle	Latham	Sessions
Dreier	LaTourette	Shadegg
Duncan	Lazio	Shaw
Dunn	Leach	Sherman
Edwards	Levin	Shimkus
Ehrlich	Lewis (CA)	Sisisky
Emerson	Lewis (KY)	Skeen
English	Linder	Skelton
Ensign	Lipinski	Smith (MI)
Eshoo	Livingston	Smith (NJ)
Etheridge	LoBiondo	Smith, Adam
Evans	Lucas	Smith, Linda
Everett	Luther	Snowbarger
Ewing	Maloney (CT)	Snyder
Fawell	Manzullo	Solomon
Foley	Markey	Souder
Forbes	Mascara	Spence
Spratt	Taylor (NC)	Watts (OK)
Stabenow	Thomas	Weldon (FL)
Stearns	Thune	Weldon (PA)
Stenholm	Thurman	Weller
Strickland	Tiahrt	White
Stump	Traficant	Whitfield
Stupak	Turner	Wicker
Sununu	Upton	Wilson
Tauscher	Walsh	Wise
Tauzin	Wamp	Wolf
Taylor (MS)	Watkins	Young (FL)

NOES—126

Abercrombie	Gutierrez	Morella
Ackerman	Hastings (FL)	Murtha
Allen	Hefner	Nadler
Andrews	Hilliard	Neal
Barrett (WI)	Hinojosa	Oberstar
Becerra	Hoyer	Ortiz
Berman	Jackson (IL)	Owens
Blagojevich	Jackson-Lee (TX)	Pallone
Blumenauer	Jefferson	Pascrell
Boehlert	Johnson (CT)	Pastor
Bonior	Johnson, E. B.	Pelosi
Borski	Kanjorski	Pombo
Brady (PA)	Kennedy (RI)	Porter
Brown (CA)	Kilpatrick	Rangel
Brown (FL)	Kim	Reyes
Campbell	Kind (WI)	Rodriguez
Capps	King (NY)	Ros-Lehtinen
Cardin	Lampson	Roybal-Allard
Carson	Lantos	Sabo
Clay	Lee	Sanford
Clayton	Lewis (GA)	Scott
Clyburn	Lofgren	Serrano
Conyers	Lowey	Shays
Cummings	Maloney (NY)	Skaggs
Davis (FL)	Manton	Slaughter
Davis (IL)	McCarthy (NY)	Stokes
DeFazio	McDermott	Talent
DeGette	McGovern	Tanner
Delahunt	McHale	Thompson
Diaz-Balart	McIntosh	Thornberry
Dicks	McKinney	Tierney
Dingell	Meehan	Torres
Dixon	Meek (FL)	Towns
Doolittle	Meeks (NY)	Velázquez
Ehlers	Menendez	Vento
Engel	Millender-McDonald	Visclosky
Farr	Miller (CA)	Waters
Fazio	Minge	Watt (NC)
Filner	Mink	Waxman
Ford	Mollohan	Weygand
Frank (MA)	Moran (VA)	Woolsey
Frost		Wynn
Furse		

NOT VOTING—26

Baesler	Hall (OH)	Schaefer, Dan
Burton	Hilleary	Shuster
Deal	John	Smith (OR)
Deutsch	Martinez	Smith (TX)
Doggett	McDade	Stark
Fattah	McNulty	Wexler
Fowler	Olver	Yates
Gephardt	Payne	Young (AK)
Gonzalez	Rush	

□ 2129

Mr. SANDERS and Mr. MCINNIS changed their vote from "no" to "aye."

So the amendment to the amendment in the nature of a substitute was agreed to.

Mr. THOMAS. Mr. Chairman, I seek unanimous consent to explain a proposition in an attempt to bring additional order to the process on the floor regarding the Shays-Meehan amendment.

The CHAIRMAN pro tempore (Mr. GIBBONS). Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Chairman, this is to request in an attempt to propound

either a unanimous consent request or a motion, if necessary, all of those individuals who have offered amendments to Shays-Meehan who are interested in pursuing those amendments to notify me, the Committee on House Oversight, that they have an interest in having their amendments considered in order on Shays-Meehan so that we will have the universe of those that are serious about their amendments by about 1 o'clock tomorrow so that we could perhaps begin to put together either a unanimous consent request or, as I said, a motion to create a defined universe of serious amendments to Shays-Meehan rather than the universe that is out there.

So I would request by 1 o'clock tomorrow that any individual who has an amendment that is in order on Shays-Meehan who wishes to have it considered as part of a unanimous consent or a motion to notify the Committee on House Oversight.

Mr. MEEHAN. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Massachusetts.

Mr. MEEHAN. One of the concerns that the minority would have, Mr. Chairman, is that we get a full list of which amendments people respond to and get it in a timely fashion. In other words, if it is at 1 o'clock tomorrow, that we could have the list at 1:15 or 1:20 so that we are in a position where we have a clear understanding what all the amendments are and who has voiced concern about having their amendment pulled or who really wants to go forward.

Mr. THOMAS. Yes, exactly. I will tell the gentleman that one of the things I have been trying to do is determine the accuracy of the list of proposed amendments; that is, the seriousness of them. What we are going to try to do is to get a notice out and leave a little time tomorrow morning for it to circulate, that anyone who is serious, let us know. It seems appropriate that if they are serious, it could be part of a propounded UC or a motion, and certainly as soon as we have that have list, we will provide our colleagues with it to get an understanding of where we are trying to go in an orderly fashion.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

PARLIAMENTARY INQUIRY

Mr. THOMAS. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. THOMAS. My only question, Mr. Chairman, is can we in fact strike the last word under the amendment which was passed governing only those amendments under a time limit whose time limit is being drawn on if, in fact, the gentleman strikes the last word and there is no underlying amendment in front of us.

The CHAIRMAN pro tempore. A pro forma amendment is in order.

The gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, I simply want to say to my friend from California (Mr. THOMAS) and I was going to ask him: I heard him say that anyone who is serious about an amendment should come to him.

As I looked at the list of amendments and at the people who offered them, it had not previously occurred to me that being serious about an amendment was a prerequisite for offering one.

Is this a new, and it is my time, is this a new rule that only people on his side who are serious about their amendments will be allowed to offer them? Because if the people who are offering unserious amendments for unserious reasons were to be excluded, we could probably finish this in about an hour.

Mr. THOMAS. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. THOMAS. Mr. Chairman, the gentleman once again does make a meal of a term which I used in an attempt to determine whether or not someone wanted to be included in a unanimous consent or a motion. In using the term "serious" it seems to me that someone who may have been serious previously, watching the political antics of the gentleman's side of the aisle in arguing that they are serious about moving forward, but failing to do so, may have lost some interest, and I am hoping to make sure that everyone who involves themselves in the process has a level of interest equal to the gentleman.

Mr. FRANK of Massachusetts. Mr. Chairman, apparently by "antics," and let us be very clear, he refers to the antics on our side. "Antics" apparently is the gentleman's phrase for defeating amendments aimed at killing the bill. Certainly the antics have consisted of defeating amendments with some help on the other side. I think the gentleman unfairly denigrates the serious remnant on his own side.

Finally, the gentleman objected that I put too much meaning into use of "serious." I apologize for taking the gentleman at his word, and I will try to avoid doing that in the future.

Mr. LEVIN. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Michigan.

Mr. LEVIN. Mr. Chairman, since the gentleman from Massachusetts (Mr. FRANK) has been serious and raised a serious issue, I would just like to repeat what the gentleman from Massachusetts (Mr. MEEHAN) said to the gentleman from California.

If there is going to be unanimous-consent request, it must in the eyes of many of us, and I just speak for many of us, have a cut-off for a vote on Shays-Meehan and the other substitutes, because if there are 50 amendments, we do not see how there is time between now and August 7 to bring this to a vote, and we want not only order now, we want order to the end in that case.

So I wanted to mention that to my colleague in terms of his request.

Mr. THOMAS. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. THOMAS. Mr. Chairman, I tell my friend from Michigan (Mr. LEVIN) that it seems to me that the gentleman's request is within his own realm of concern reasonable. What we were able to do tonight was to create a degree of certainty for today, and my attempt is to begin to do it one day at a time.

If the gentleman will recall, we attempted to place order on this process earlier. Our failure to do that or failure to get unanimous consent cost us a full day of legislative time in the debate of Shays-Meehan.

I do not want in the pursuit of order to lose any more time than is necessary, and if the gentleman is holding out an absolute complete resolution in lieu of a day-by-day resolution, I will tell the gentleman he will probably create more of a delay than would otherwise be the case.

Let me at least now work day by day, and we will move from there, and I will tell the gentleman from Massachusetts that I never did intend, nor will I ever intend, to define for him what "antics" are to him.

Mr. LEVIN. Mr. Chairman, will the gentleman yield just briefly?

Mr. FRANK of Massachusetts. I will yield to the gentleman from Michigan so that I can ponder.

Mr. LEVIN. Mr. Chairman, I say to the gentleman from California (Mr. THOMAS) we need not only order day by day, but a guarantee that order day by day leads to a conclusion to this before we leave.

Mr. FRANK of Massachusetts. Mr. Chairman, I reclaim my time to say my understanding is we have already gotten such a guarantee, so the question is not whether we get a guarantee, but whether we get a guarantee of the guarantee because we are now several removed from the original guarantee, and I will now yield to the guarantor.

Mr. Chairman, I yield to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Chairman, I am not the original guarantor, but I will renew that guarantee from the original guarantor, the Majority Leader, that we will finish campaign reform debate prior to the August recess.

Mr. FRANK of Massachusetts. Let me first ask the gentleman one question. Just one question, and then the gentleman from California can finish.

By "complete" does the gentleman mean a vote on the final version of Shays-Meehan? And I will yield again to the gentleman.

Mr. THOMAS of California. My belief is that it would be more than that because Shays-Meehan is not the completion.

Mr. FRANK of Massachusetts. Would it be at least that?

Mr. THOMAS. Oh, yes. I will tell the gentleman that Shays-Meehan is only one of the substitutes under the rule.

Mr. FRANK of Massachusetts. The gentleman wishes it was only one.

The CHAIRMAN pro tempore. The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

AMENDMENT NO. 59 OFFERED BY MR. WICKER TO AMENDMENT NO. 13 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SHAYS

Mr. WICKER. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment to the amendment in the nature of a substitute.

The text of the amendment to the amendment in the nature of a substitute is as follows:

Amendment No. 59 offered by Mr. WICKER to Amendment No. 13 in the nature of a substitute offered by Mr. SHAYS:

TITLE —PROHIBITING USE OF WHITE HOUSE MEALS AND ACCOMMODATIONS FOR POLITICAL FUNDRAISING

SEC. 01. PROHIBITING USE OF WHITE HOUSE MEALS AND ACCOMMODATIONS FOR POLITICAL FUNDRAISING.

(1) IN GENERAL.—Chapter 29 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 612. Prohibiting use of meals and accommodations at White House for political fundraising.

"(a) It shall be unlawful for any person to provide or offer to provide any meals or accommodations at the White House in exchange for any money or other thing of value, or as a reward for the provision of any money or other thing of value, in support of any political party or the campaign for electoral office of any candidate.

"(b) Any person who violates this section shall be fined under this title or imprisoned not more than three years, or both.

"(c) For purposes of this section, any official residence or retreat of the President (including private residential areas and the grounds of such a residence or retreat) shall be treated as part of the White House.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 29 of title 18, United States Code, is amended by adding at the end the following new item:

"612. Prohibiting use of meals and accommodations at white house for political fundraising.".

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Mississippi (Mr. WICKER) for 20 minutes.

Mr. WICKER. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, as many of my colleagues know, I do not agree with much of what this body is attempting to do in this legislation. I do not agree with cutting down on free speech, I do not agree that we have too much political expression in this country, and so I disagree with the direction that many of my colleagues are going in, and I think the American people are sort of with me on this.

I was encouraged to see the Washington Post/ABC News poll on the front page of the Washington Post newspaper this morning where it said that some of the things that we seem to be interested in here in this body and inside the Beltway are not really important to the voters out there in the public. When asked about changing the way political campaigns are financed, only 32 percent of the American voters think that is a very important issue, and only 1 in 10, only 1 in 10, Mr. Chairman, will let that issue decide how they will cast their ballots in November.

So I think we have been spending a lot of time talking about things like cutting down on free speech that we ought not to do and changing our campaign laws which maybe the people are not really interested in.

Here we are right now though at a very important issue, at a problem which exists, and does it ever exist, as shown by these headlines from around the Nation:

"Donors Pay and Stay at the White House"; Lincoln Bedroom a Special Treat, a Washington Post headline, my colleagues."

So I rise today to bring an issue that is most important, and that is a problem, and that is to prohibit fund-raising in the White House, the actual sale of coffees and overnight stays in the White House.

Let me make it clear that I believe the Pendleton Act of 1883 already makes it illegal for the President and Vice President to solicit contributions from the White House or the executive office buildings. The problem is that the law has not been enforced because courts have been hesitant on how to interpret the law.

□ 2145

President Clinton and others have seized upon this ambiguity and flagrantly violated the spirit, if not the letter, of the law. For this reason we need to pass this amendment.

This amendment goes further than the Shays-Meehan language, and, as a matter of fact, I would hope the authors of Shays-Meehan would vote for this amendment and accept it as an amendment that perfects the language they had offered previously.

This amendment would close the loopholes President Clinton and Vice President GORE have succeeded in driving trucks through. And, make no mistake about it, they drove those trucks all the way to the bank. There can be no doubt as to the need for this provision.

In the history of the presidency, there has never been such an orchestrated effort to subvert the law and misuse public property for the express purpose of netting political donations. The integrity of the White House has been compromised by shamelessly putting it up for sale.

The facts are shocking. President Clinton and Vice President GORE hosted more than 100 coffees inside the White House, which resulted in a staggering $27 million in Democrat contributions. Among the more than 1,500 guests attending these thinly disguised political fund raisers were Chinese arms dealers and business executives from Thailand. President Clinton invited more than 300 Democrat party donors to stay in the Lincoln bedroom in exchange for campaign contributions.

White House documents confirm that President Clinton solicited contributions by telephone from the White House, raising at least half a million dollars. Vice President ALBERT GORE, Jr., has admitted that he made phone calls from his White House office, and further stated that there was "no controlling legal authority" which precluded his actions.

Tonight we can provide that controlling authority. This president has done what no president before him has ever done; he has put a price tag on the highest office of the land. He has sold access to the White House and its accommodations to raise millions of dollars for the Democratic National Committee and his own reelection.

At no time did Bill Clinton and AL GORE have ownership of the White House. At no time did they have authority to sell or rent the White House. The White House belongs to the people, to the people of the 1st Congressional District of Mississippi, and to every Congressional District in the United States of America. It belongs to the American people.

The passage of this amendment would make it clear that the White House should never again be used and abused for political fund-raising purposes. This short and straightforward amendment makes it illegal for White House meals and accommodations to be used for political fund-raising.

The language is very plain. There is no ambiguity, there are no loopholes. Neither Mr. Clinton nor Mr. GORE nor any others would ever be able to skirt around the law, should this be enacted.

I strongly urge my colleagues to put an end to the sale of the White House and vote for this amendment.

Mr. MEEHAN. Mr. Chairman, I am not opposed to the amendment, but I ask unanimous consent to claim the time in opposition.

The CHAIRMAN pro tempore (Mr. GIBBONS). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Massachusetts (Mr. MEEHAN) is recognized for 20 minutes.

Mr. MEEHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we agree with this amendment. In fact, we could probably get through this pretty quickly. Our bill, by ending the soft money loophole, would take away the incentives for any of this to happen.

We have spent a lot of time over a period of the last year or so reading about problems in our campaign finance law. I think we can all agree that the White House, any White House, a Democratic or Republican White House, should never trade meals or accommodations for political fundraising.

So we would agree with this amendment, and we could have a vote on it right now and pass it unanimously.

Mr. Chairman, I reserve the balance of my time.

Mr. WICKER. Mr. Chairman, I am pleased to yield five minutes to the distinguished gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I thank my colleague from Mississippi for yielding me time.

Mr. Chairman, I hear some encouraging notions from the other side, but silent assent is not enough, because, you see, despite the talk of soft money, hard money and all the different slang that is bandied about this House, there is a clear and explicit problem. Our British cousins have an expression for it. It is called "being too clever by half."

What we have seen in this White House is nothing short of deliberate and despicable and dishonest, for the Vice President of the United States to have the audacity to stand in front of the Nation's press corps and say "my legal counsel informs me there is no controlling legal authority," in the wake of a memo from the former White House counsel, Judge Abner Mikva, who at the time precisely warned administration personnel of the real problems inherent in violating the Pendleton Act, an act that was strengthened, my colleagues, in the Carter administration in 1979.

But because there are those who attempt to be too clever by half to the extent that they open fund-raising to the likes of Chinese arms merchants and other despicable characters, we must come to this floor now in this vehicle to articulate that those who would seek to be clever and surreptitious and gain the system again will be given no quarter. That is why this amendment is so vitally important.

I would go a step further, Mr. Chairman. I believe the very existence of the Constitution of the United States and the oversight capacity of the Legislative Branch over the Executive Branch ensures in fact that there is controlling legal authority. But to those who shamefully, cynically, put the Lincoln bedroom up for sale, had sadly what now appear to be cash-and-carry coffees, where "Starbucks" takes on an entirely different meaning, we must stand four square against that type of behavior.

It is not enough to have the almost reflexive defense that "everybody does it." Mr. Chairman, nothing could be further from the truth. Everybody does not do it.

So, as we continue to follow the revelations that I suppose will continue to emanate from the other end of Pennsylvania Avenue, let us rise with one strong voice to say enough is enough; quit putting the White House up for sale.

Mr. Chairman, my colleague from Mississippi put it appropriately, it is the people's House, belonging to the people of the 6th District of Arizona. It is not the personal property of one William Jefferson Clinton, nor one ALBERT GORE, Jr., nor any of their minions in the employ of the administration. It is an American home for the American people, not a residence where the whims of American politics and the imagined pressures of campaign life can lead to such dreadful abuses.

Mr. Chairman, I say let us rise with one voice and say enough is enough. Support the Wicker amendment. End the dreadful abuse, and let us deal with genuine reform, because everybody does not do it.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. The Chair will take this opportunity to remind the colleagues in this chamber that they are not to make personal comments about the Vice President.

Mr. MEEHAN. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, obviously I have said that we agree to support this amendment. After hearing the eloquent gentleman from Arizona, he has a real opportunity to do something about the problems under campaign finance system, and that is by voting for Shays-Meehan at the end of this long, cumbersome process. I hope he will join us in supporting this legislation.

Mr. Chairman, I yield five minutes to the gentlewoman from Michigan (Ms. RIVERS).

Ms. RIVERS. Mr. Chairman, I got involved with the particular efforts around campaign finance reform for one reason, because they were bipartisan. I did not believe that there was any chance to change the way this body operates unless there were people on both sides of the aisle working together.

I came forward to be a part of this because I knew two things had to happen: I knew that both sides had to work together to make change, and both sides had to acknowledge and take the blame for the system that we have today. I did not want to be a part of an action that would try and torpedo the other side. I wanted to be part of a positive change.

But I need to speak out today. I do support this particular amendment. I think it is a good idea. But I think the American people need to know that we need this amendment because there have been problems time after time after time. The system needs to be reformed because people on both sides of the aisle have caused problems.

My colleague from Arizona talked about "despicable" and "dishonest." I would also say disingenuous.

I have a couple of documents. One is from the Presidential Roundtable. It has a picture of President and Mrs. George Bush. You have to pay money to join the roundtable. What do you get? You get "one-on-one personal relationships." "The Presidential Roundtable allows Members to participate in the development of policy, as well as help forge close friendships with Washington's top decisionmakers."

Further on you find out if you give money, you are part of a program "designed to take members of the Presidential Roundtable to various other countries to discuss economic and political issues, exclusive meetings that are structured primarily to bring top American businessmen and women together with their counterparts in Europe and Asia. You can have a voice in trade, the Organization of the European Community and the new mission of NATO." This is what happened in 1990.

I have another document, the top of the letterhead is from Mr. Bob Dole. It is for an organization called the Republican Senatorial Inner Circle. If you pay money to join this group, you have an opportunity to take part in a variety of activities which culminate, according to this particular letter, "in the fall you will be able to join Vice President and Mrs. Quayle for a special inner circle reception which is traditionally held at the Vice President's residence." If you pay money and join this group, you get to go have dinner with the Vice President and his wife in their taxpayer paid-for residence.

I am going to vote for this amendment because I do not want to see either side doing this. But what I would like to see when we talk about reform is both sides stepping up and saying there have been problems and they need to be fixed. It is not one-sided, it is both-sided.

Has there been dishonesty in the past? Yes. Have there been problems in the past? Yes. Have there been despicable practices? Yes, on both sides. But let us leave the disingenuous aside and start talking about changing for a system we can live with that people can trust.

I have stacks and stacks and stacks of these things, and what they show is that there are certain ways to raise money in this town that are used over and over and over. And it does not matter if you are a Democrat or you are a Republican. What matters is if you are willing to change.

There are a number of people who have stepped forward and said we are ready to change and we ask you to join us. Not to come forward and fight every progressive step, but to join us to make change, and maybe for everybody here to accept the system has not always worked the way we want it to, and to find a way to make it work better in the future.

Mr. WICKER. Mr. Chairman, I am pleased to yield five minutes to the gentleman from Texas (Mr. DELAY), the distinguished Majority Whip.

Mr. DELAY. Mr. Chairman, it is amazing how this town works, as the gentlewoman has just said. In this whole fiasco of abusing the White House and other illegal campaign finance issues, no one has ever stood up on that side of the aisle and said the President was wrong, the DNC is wrong, they were wrong in what they did. All they do is say well, they may have been wrong, but the Republicans were just as bad.

□ 2200

Well, today we are going to talk about the Wicker amendment, and that applies to the White House and what has been going on for the last 6 years. For over 6 years, or 6 years ago, I remember President Clinton, or then candidate Clinton, promised the American people that he would establish the most ethical administration in the history of the United States.

Now, I would submit to the President that he has personally done more to ensure that his administration is one of the least ethical in the 220 year history of the office of the presidency. In orchestrating the most massive fundraising campaign in the history of the United States, the President and the Vice President personally oversaw the use of the White House as fund-raising headquarters. Not meetings, not talking to constituents, not even coming and discussing policy, but using the White House as a fund-raising headquarters.

Every politician understands that it is illegal to raise campaign funds on Federal property, yet the President and the Vice President and the First Lady made it their personal mission to use the White House as a chit in a "cash for perks" scheme of unprecedented proportions.

President Clinton himself oversaw and orchestrated overnight stays in the Lincoln bedroom and personally attended a series of so-called coffees, and we have seen all of those on videotapes in pursuit of campaign contributions. During Operation Lincoln Bedroom, 938, 938 guests stayed overnight in the Lincoln and the Queen's bedrooms. The President, of course, claims that the Lincoln bedroom was never sold. However, more than one-third of these guests gave money to Clinton or the DNC. The bedroom visitors and their companies gave at least $6 million to the DNC and a total of $10.2 million to the Democrats.

Now, according to the presidential press secretary, Mike McCurry, the Lincoln bedroom was a special way of saying "thank you" for services rendered. Now, I think everyone in this Chamber knows exactly what services Mr. McCurry was referring to.

Sadly, it does not stop there. Concurrent with the Lincoln bedroom scheme, the Clinton administration orchestrated a series of coffees.

Mr. WICKER. Mr. Chairman, would the gentleman yield?

Mr. DELAY. I yield to the gentleman from Mississippi.

Mr. WICKER. Mr. Chairman, I just wondered if the gentleman recalls that, in response to this proposal to have overnight stays, the President actually sent a memo back to his chief of staff saying, yes, pursue promptly and get the names at $100,000 or more, $50,000 or more ready to start overnights right away, a memo from the President of the United States.

Mr. DELAY. Mr. Chairman, there is no denying what went on. There is a lot of spin going on around this town trying to spin it the other way and blame other people and blame the Republicans, even, for setting up the White House.

But even with the coffees, there were 1,528 individuals, 1,528 individuals who were invited to 103 coffees. My goodness, they drank a lot of coffee. Mr. Chairman, 358 of these individuals or the companies they represent gave $27 million to the DNC, and approximately $8.7 million was collected during the month before or after a personal coffee with the President or Vice President.

There cannot be any question in the mind of any reasonable person that the administration used the White House, Federal property, as a quid pro quo for campaign contributions; and it is already against the law now to raise campaign funds on Federal property. And because of the Clinton administration, we need to ensure that the White House is never, ever again used as a prop to leverage campaign contributions.

I ask that my colleagues support the Wicker amendment, because the White House belongs to the American people and not the Democrat National Committee.

Mr. MEEHAN. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. LEVIN) who has been a leader and a person who has really made a difference in bringing this fight to the floor of the House of Representatives.

Mr. LEVIN. Mr. Chairman, I thank the gentleman for his kind words. And to the gentleman from Connecticut (Mr. SHAYS) and the gentleman from California (Mr. CAMPBELL) who are in the House, to all of the Republicans who have worked on this with us Democrats, I want to express my optimism now that we have a real shot at reform. That is really the issue, whether we are going to make political speeches, try to make political points, or are we going to have political reform.

I had a poster here that illustrates the statement of the gentlewoman from Michigan (Ms. RIVERS) about the Bush White House. It has an invitation in big print for big Republican givers, but I am going to forget the poster and just talk to some of my colleagues about what I think is their inconsistency.

I want to join the gentleman, my colleague on the Committee on Ways and Means, getting up on his hind legs across the board, though, not just about one set of abuses but all abuses. And as the gentleman from Massachusetts (Mr. MEEHAN) said, the test will be whether one votes "yes" on this amendment and then "yes" on Shays-Meehan, or whether one votes "yes" on this amendment and "no" on Shays-Meehan. That is the test.

The cynical vote is going to be "yes" on this and "no" on the bill. That would be more than clever than by a half. That would be more than inconsistent. My colleagues raise their voices, but we will see if they choke in silence when it comes to the final vote.

Mr. Chairman, let us talk about millions and millions. I say this as someone who has been in this system, who has been working to change it, and all of us who have been in this system know that it needs change. How many tens of millions come in in soft money? And Shays-Meehan tries to get at it. How much in millions, multimillions comes in in issue ads, uncontrolled, without any disclosure as to who it is?

So I am anxious to vote for this amendment, because we need to wipe out abuse wherever, and we have to be honest with ourselves and realize what has been happening to the political system of this country in the last 15 or 20 years.

Mr. HAYWORTH. Mr. Chairman, will the gentleman yield?

Mr. LEVIN. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Chairman, I ask my good friend from Michigan, because he returned to the argument that, quote, unquote, everybody does it.

Mr. LEVIN. No, no, no, I will take back my time. I will tell my colleague why. I will not let him label that. That is not a defense. It is an explanation of

the depth of the problem. And what happened in the Bush White House was wrong and whatever happened in the Clinton White House, if it involved the interaction of money and participation in the White House, it was also wrong, and I want to end it.

Let me just finish. I also want to end this flood of money that comes in without knowing whom it comes from and without limits. So do not pin that label.

Mr. HAYWORTH. Mr. Chairman, will the gentleman yield?

Mr. LEVIN. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Chairman, a simple question. Does the gentleman have any evidence of any Chinese arms merchants giving money to the Bush-Quayle reelection campaign?

Mr. LEVIN. Mr. Chairman, we have five or six committees looking into this, and I support investigations into where money came from. Mr. THOMPSON spent a number of months and came out without evidence. Now we will see what other committees come up with. And if there was a wrong, it should be, it should be not only looked into, but I think it should be redressed.

But I suggest to the gentleman, if I can take back my time, and I have heard the gentleman in the Committee on Ways and Means, I know the fervor with which you speak. My only suggestion is keep a bit of that fervor for the final vote on Shays-Meehan, just a bit of it, and do what this system needs.

PARLIAMENTARY INQUIRY

Mr. HAYWORTH. Parliamentary inquiry, Mr. Chairman.

Is it appropriate for Members to characterize the personal delivery styles of other Members?

The CHAIRMAN pro tempore. Will the gentleman from Michigan yield for a parliamentary inquiry by the gentleman from Arizona?

Mr. LEVIN. Mr. Chairman, I think he was inquiring of the Chair, not of me.

The CHAIRMAN pro tempore. Does the gentleman from Michigan yield?

Mr. LEVIN. Mr. Chairman, all I was saying was the gentleman is fervent, and I think the gentleman should be equally fervent——

Mr. HAYWORTH. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. LEVIN. Mr. Chairman, I will finish. The gentleman should be equally fervent when it comes to his chance to vote for reform. Do not pick and choose.

The CHAIRMAN pro tempore. The gentleman from Michigan's time has expired.

PARLIAMENTARY INQUIRY

Mr. HAYWORTH. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. HAYWORTH. Is it appropriate for Members to come to this Chamber and personally characterize the speaking styles and the conduct of other Members of this House while debate is going on?

The CHAIRMAN pro tempore. The Chair will remind the Members on both sides of the aisle that remarks personally critical of other Members are to be avoided.

Mr. HAYWORTH. I thank the Chair.

Mr. WICKER. Mr. Chairman, might I inquire about the time remaining?

The CHAIRMAN pro tempore. The gentleman from Mississippi (Mr. WICKER) has 5 minutes remaining and the right to close; and the gentleman from Massachusetts (Mr. MEEHAN) has 10 minutes remaining.

Mr. WICKER. Mr. Chairman, I yield 2½ minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, I was sort of torn on which side I should ask for time from, seeing that I am working with both sides on this issue, and I think that this is a classic example of bipartisan and bicoastal cooperation.

Mr. Chairman, I think that, first of all, I want to praise the gentlewoman from Michigan, because I think a lot of people, because of partisan concerns, do not want to come up and say our side has really created an unacceptable situation, and I want to commend her for that. Because I think a lot of people on this side are saying, why has not anybody been willing to admit that wrongs have been done in the recent past?

I think, on the flip side, there have been things happening historically in the far past that have not been addressed; and I think we all admit, no matter what our party affiliation, that this issue has become so chronic and so obvious and so outrageous that this amendment should be made in order and should be adopted by even those of us who cringe, as the gentleman from Massachusetts and the gentleman from Connecticut does, to any type of amendment to our Shays-Meehan bill.

The Shays-Meehan bill does not want a lot of amendments, but I think this is a viable one, and I would congratulate the gentleman from Mississippi for bringing it forward. I think it is something that the Democrats and Republicans can draw on.

But let me remind my colleagues again, even with this amendment, we are treating a symptom to a much deeper problem. Why would anybody pay $100,000 to sleep in a bedroom except they think with the bedroom comes the ability to influence a whole lot of money and a whole lot of power? And the reason why people are trying to influence the political process in Washington is because Washington is controlling too much money and too much capital and too much power.

So as we talk about campaign finance reform, let us all, especially those of us that worked the hardest on this over the last few years, recognize that we are only taking one step with this amendment. We are taking a nice two or three steps with the Shays-Meehan bill, but we are never going to complete this journey unless we are willing to stop having Washington control so much power and so much money out of Washington, D.C., and we learn to allow the people and the communities in America to have that power, to have that influence.

I only wish there was as much money and as much interest in elections of city councils and county supervisors and commissioners and State assemblymen and State Senators and governors as there is in Washington, and the only way we can allow that to happen is to allow the people locally to make those decisions so that this type of influence is not needed and is not tried in the United States Congress.

Mr. MEEHAN. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. SHAYS).

□ 1015

Mr. SHAYS. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, this is the kind of process that wins few friends, because everyone has a real sensitivity to the right and wrong of this issue. I acknowledge the fact that for me, I see it in black and white.

I weep that my own party does not want to lead reform. I think this is an example. This amendment here is a logical thing that should be part of the bill. I do not know why my own party did not come forward with campaign finance reform and take the lead, but it chose not to, I think because my own party decided that if it said you had to reform the system, in a way it meant that the things that happened in the Clinton White House were not wrong because it was just that we needed to amend the law.

I happen to think it is both sides. I happen to think, with all due respect to some on the Democratic side of the aisle, that they are ready to reform but do not want to investigate, and I think too many on my side of the aisle want to investigate but do not want to reform.

I say this with deep respect for some of my colleagues who are pretty angry that I am part of this process. But the best example is soft money. Soft money by law is not deemed a campaign contribution. Members may not want to accept it, but it is true. It does not come under the definition of "campaign." Therefore, technically, the Vice President was right, no controlling authority.

I think it is a pretty obscene response, and I happen to think that he knew it was wrong, and I happen to think that he did not want people to know about it. But I hear a colleague

right now just laughing, as if this is so absurd. It is not absurd. It just happens not to be against the law. It needs to be made against the law.

One of the things we are trying to do is we are trying to ban soft money. The bottom line is that in Meehan-Shays we want to ban soft money, the unlimited sums that come from individuals, corporations, labor unions, and other interest groups. We want to ban them because the money has gotten obscene, and both sides, in my judgment, and it is my judgment, I admit, are shaking down businesses and others for these contributions. It is the White House, and I believe it is my own party. I believe my own party wants big contributions, and it is very clear, I think, to some of these businessmen and women that they have to ante up. I know they think that because they have told me.

The other thing is that we want to deal with the sham issue ads. The sham issue ads are those campaign ads that basically almost tanked the gentleman from Arizona. We would ban those sham issue ads. We would not see corporate money being used, we would not see union dues money because it would be illegal, because once it is a campaign ad, they cannot do those ads. They can do it through PAC contributions, but not through members' dues, and they cannot use corporate money.

We want to codify Beck, which is the Supreme Court decision, and we want to make sure if you are not a member of a union you should not have to have your money go for political activity. We want to make sure that we improve FEC disclosure and enforcement, because it is weak and needs to be changed.

One of the things I believe is I believe that the Clinton White House, and I believe some on my side of the aisle, have gotten away with things they should not have because the FEC is too weak, and we do not have proper disclosure. When we finally found out they did something wrong it was 6 years later, so it is kind of meaningless.

I think it is wrong for Members to spend franking so close to an election, so we ban it 6 months to an election. We make it clear that foreign money and fundraising on government property is illegal. What we do in our bill is make sure it is illegal not just for campaign money, but for soft money.

Soft money is not campaign money. That is the whole reason it snuck into the system. It was supposed to be party-building, but it was not party-building. We all know that. We know what happened to that money. It came to the parties, and then they funneled it right back to help candidates win elections.

It was not just for getting people registered. It was for helping candidates. It just rerouted the system and made a mockery of our campaign laws. I happen to believe our campaign laws worked pretty well for 12 years, but they have broken down because of the sham issue ads and because of soft money.

The CHAIRMAN pro tempore. The time of the gentleman from Connecticut (Mr. SHAYS) has expired.

Mr. MEEHAN. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. HAYWORTH. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Arizona.

Mr. HAYWORTH. I thank my colleague, the gentleman from Connecticut, for yielding to me.

Mr. Chairman, I just want to return for a second to his observation about "no controlling legal authority." How does my colleague from Connecticut then account for the memo that preceded the behavior by Vice President GORE from White House legal counsel Judge Abner Mikva, a former member of this institution, who said, for all administration employees, it was a violation of the Pendleton Act to solicit funds from Federal installations, i.e., the White House?

Mr. SHAYS. The bottom line is, the gentleman needs to know it was illegal to solicit campaign funds. Soft money is not defined as a campaign fund. It is the reason why we need to change the law. I say it time and time again, and the gentleman does not seem to understand it, it is not a campaign contribution. The Pendleton Act gets at campaign contributions.

Mr. HAYWORTH. Mr. Chairman, can I ask the gentleman another question, because I very much want to visit what he had to talk about in terms of different groups and their financing of different candidates.

Would the gentleman repeat again his notion of what is done now, if someone is not a union member, their dues cannot be taken? What happens to a union member who does not want his or her dues taken?

Mr. SHAYS. I talked about the Beck decision. The gentleman I think is clear on three things, but maybe some of my other colleagues are not.

Soft money can be union dues money. We ban it, so all union dues money cannot be contributed as soft money because it is not allowed, nor can corporate money that is soft money be allowed. We do both corporate and union.

The second thing we do is we call those sham issue ads campaign ads. Once it is titled a campaign ad, union money and corporate money cannot be used, because we by law now define an advertisement and forbid dues money in a campaign advertisement and corporate money in a campaign advertisement.

Then we get to the third part. This is the part the gentleman is most interested in. The Beck decision was a contest by someone who was not a member of the union who said his money should not be used for political purposes. The court made a ruling in the Beck decision that if you were not a member of the union, your money could not be used. That was the decision of the court.

Now, what my wife did was when she complained that her money, and my wife was a teacher and a member of the union in New Canaan, Connecticut, was going to a Democrat candidate who she opposed, she supported the Republican candidate, she said she did not want her money going, and the union said, you are a member of the union and we can spend it the way we want.

She said, well, I no longer choose to be a member of the union, then. She was able to deduct her political contribution and pay less union dues than that amount that was political. That was her right under the Beck decision. We codify it into law.

Mr. HAYWORTH. If the gentleman will yield further, Mr. Chairman, one further question to follow up.

In view of the fact that in several markets around the country, probably including Phoenix, the AFL-CIO will start an ad campaign, does the gentleman not worry about the constitutionality of attempting to abridge people's ability to speak? Because even though I am often personally the target of these abusive and false ads, I just do not think, or I would ask, does not the gentleman have some concerns that this could be unconstitutional?

Mr. SHAYS. The gentleman may have some concerns. I have little concerns about whether corporate or union money can be declared unconstitutional when it is a campaign ad. That has already been determined.

So the issue, to be fair to the gentleman, the issue is, is a campaign ad a campaign ad that has the picture and the name of an individual, as we define it? And I think yes, and I think the court will uphold it.

There is the other issue of whether the Supreme Court will agree with the Ninth Circuit or the First and Fourth, which talked about, essentially, that if it walked like a duck and quacked like a duck, it is a duck, it is a campaign ad, and two lower courts have gone in different directions. The court is going to have to decide which side they are going to come up with.

Mr. HAYWORTH. One further question, since the gentleman advances the argument that everybody does it, and he had his suspicions. Does the gentleman have any evidence that the Bush administration took any donations from Chinese arms merchants?

Mr. SHAYS. I do not think they did.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, the gentleman made a statement earlier that I

take great exception to, that his party does not lead reform. No, I totally disagree with the gentleman, and would say that the gentleman's party does not lead the kind of reform that the gentleman wants. His party wants other kinds of reform.

Mr. SHAYS. I would take even other kinds of reform. I just want to see reform.

Mr. WICKER. Mr. Chairman, for purposes of closing the debate, I yield the balance of my time to the distinguished gentleman from Minnesota (Mr. GUTKNECHT).

The CHAIRMAN pro tempore. The gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 2½ minutes.

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I think this is a very instructive debate. I think it gets to the core of what we are talking about. Just a few moments ago the gentleman from Connecticut said he wanted reform. I submit what we really want is compliance.

Mark Twain once observed that human beings are the only creatures that God has created that can blush, or need to. What has happened to our ability to blush? What has happened to our moral outrage? Twenty-seven million dollars was raised at White House coffees. We do not really need reform, I say to the gentleman from Connecticut (Mr. SHAYS), we simply need people who lead by example. Most of what we are talking about here tonight, most of the abuses we have read about, headline after headline, those are things that I think all of us know are wrong. They are simply wrong.

I would call the gentleman's attention to this amendment. I rise in support of this amendment. But even this amendment is fatally flawed, especially if somebody can legalistically rationalize no compelling legal authority. Then all of the rest of this, for example, the language is, "any official residence or retreat of the President, including private residential areas and the grounds of such a residence or retreat."

Does that mean Camp David? I think it does. But somebody else may say it does not. We can purse, we can come up with legalisms, we can come up with excuses. That really, at the end of the day, is the fundamental argument about "campaign finance reform." Our entire legal system, and particularly campaign finance, relies on voluntary compliance.

When we have people who are bound and determined to use their power, to use their office, to abuse the influence of that office, I do not think we can write campaign finance laws that are strong enough. I wish we could.

If anybody in this room, probably the gentleman from Arizona (Mr. HAYWORTH) and myself would love to see the stopping of this nonsense we have seen, the abuses of issue advocacy advertising and soft money and all the rest. But I suspect in the end the Supreme Court is going to say that that is protected political free speech. In the end what we are going to come back to is that certain people are going to figure out a way to get around whatever language we put in.

We had campaign finance reform before, and we will probably have it again. But in the end, only good people are bound by the law.

Mr. WICKER. Mr. Chairman, I move the question on the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Mississippi (Mr. WICKER) to the amendment in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. WICKER. Mr. Chairman, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, further proceedings on the amendment offered by the gentleman from Mississippi (Mr. WICKER) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. STEARNS TO AMENDMENT NO. 13 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SHAYS

Mr. STEARNS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. STEARNS to Amendment No. 13 in the nature of a substitute offered by Mr. SHAYS:

Amend section 506 to read as follows (and conform the table of contents accordingly):

SEC. 506. BAN ON CAMPAIGN CONTRIBUTIONS BY NONCITIZENS.

Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended to read as follows:

"CONTRIBUTIONS AND DONATIONS BY NONCITIZENS

"SEC. 319. (a) PROHIBITION.—It shall be unlawful for—

"(1) a noncitizen, directly or indirectly, to make—

"(A) a donation of money or other thing of value, or to promise expressly or impliedly to make a donation, in connection with a Federal, State, or local election to a political committee or a candidate for Federal office, or

"(B) a contribution or donation to a committee of a political party; or

"(2) a person to solicit, accept, or receive a contribution or donation described in paragraph (1) from a noncitizen.

"(b) TREATMENT OF NATIONALS OF THE UNITED STATES.—For purposes of subsection (a), a 'noncitizen' of the United States does not include a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act).".

The CHAIRMAN pro tempore. Pursuant to the previous order of today, the gentleman from Florida (Mr. STEARNS) is recognized for 20 minutes.

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am not going to take very much time. We have already been through this debate. The gentleman from New York (Mr. FOSSELLA) has already offered primarily most of this amendment, but I would like to just formally put it in place, because there are some additions to his amendment that I think are important to specify. That is why I am here tonight.

I rise to offer this amendment to the Shays-Meehan substitute, the Bipartisan Campaign Integrity Act.

□ 2230

This amendment, of course, clarifies the law by placing an explicit ban on campaign contributions by noncitizens, including illegal aliens, which was in part of the debate previously, for all elections, Federal, State and local and for contributions or donations to a committee of a political party.

And on those two last points, Mr. Chairman, my amendment sort of compliments and expands upon the Fossella amendment previously debated. So that there is a ban on foreign contributions. It will not be limited to just Federal elections but this extends all the way over to state and local. It would encompass all political campaigns in the country and political party campaigns.

I think the second addition is that my amendment is significantly different in that it prohibits individuals from soliciting or accepting foreign donations. Mr. Chairman, I think we have had the debate on the Fossella amendment.

I just point out, in conclusion, that basically I just move at the State and local level and then also talk about what prohibits individuals from soliciting or accepting foreign donations.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. GIBBONS). Does any Member seek the time in opposition to the amendment?

Mr. STEARNS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS) to amendment No. 13 in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) to

Amendment No. 13 in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS) are postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. PICKERING TO AMENDMENT NO. 13 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SHAYS

Mr. PICKERING. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. PICKERING to Amendment No. 13 in the nature of a substitute offered by Mr. SHAYS:

In section 506, strike "Section 319" and insert "(a) IN GENERAL.—Section 319", and add at the end the following:

(b) PROHIBITING USE OF WILLFUL BLINDNESS AS DEFENSE AGAINST CHARGE OF VIOLATING FOREIGN CONTRIBUTION BAN.—

(1) IN GENERAL.—Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection:

"(b) It shall not be a defense to a violation of subsection (a) that the defendant did not know that the contribution originated from a foreign national if the defendant was aware of a high probability that the contribution originated from a foreign national.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to violations occurring on or after the date of the enactment of this Act.

The CHAIRMAN pro tempore. Pursuant to the previous order of today, the gentleman from Mississippi (Mr. PICKERING) is recognized for 20 minutes.

Mr. PICKERING. Mr. Chairman, I yield myself such time as I may consume.

I rise today to offer this amendment on something that I believe, just as we saw on the previous amendment by the gentleman from Mississippi on the use of the White House as a means to raise contributions, that this is an area where we, too, can reach consensus.

Let me say, as I start the debate, that I want first to commend all the participants in the debate. I think this is a very important issue. Those who are proposing, the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) although I profoundly disagree with their approach of reform and believe it is an infringement of constitutional rights and freedom, I do appreciate their intent and their motives.

But for those of us who disagree with their approach to reform, we are trying to find those areas where we have seen the gross abuses and violations and to go back and find ways to close those loopholes, to bring greater credibility and to protect the intent and the purpose of the laws now existing on the books.

It is illegal to accept foreign contributions but in this past presidential election, we have seen case after case after case of illegal foreign contributions. And the reason tonight that I have this picture as I present the case for this amendment is that I think that it is probably the best picture, the best illustration that shows the case or describes the term willful blindness, turning a blind eye.

As many already know, there was a fund-raiser in a Buddhist monastery in California, and we have heard many different descriptions of that. But the purpose has become clear over the investigation that it was a fund-raiser, and it was an opportunity to launder illegal foreign contributions.

There was money changing in the temple. And just as in the bible story, the biblical story where we had the corruption in the temple, we have seen the corruption in our campaign process and election process through foreign contributions. And what is the consequence? We now have the investigations going forward on technology transfers and nuclear proliferation and the buying of access, the foreign access, and the possibility of subverting the policy decisionmaking in this administration, the buying of access illegally through foreign sources, and the willful blindness of this administration and the DNC to accept those contributions and have the corruption and the money changing in our election and campaign process.

This amendment is intended to stop those who in recent campaigns raised illegal campaign cash from foreign sources. It is obvious that the political committees operated without obtaining adequate information regarding the source of these suspicious donations. They had no system in place to check the validity of campaign cash.

It has been documented in the press and congressional investigations that Democratic activists not only brought in envelopes of cash and suspicious money orders. They also created a network of illegal foreign donors that supplied millions of dollars for the Clinton-Gore reelection campaign.

It has been documented that the FBI, the Bureau of Alcohol, Tobacco and Firearms, the CIA, the National Security Council all raised concerns regarding the individuals that were associated with the Democratic Party and many of the contributions. There have been stories in the news regarding the improper use of the Lincoln bedroom, Air Force One, White House coffees and the White House staff arranging foreign trade missions for Democrat donors.

We know that the public will not tolerate such abuses of power because of the public outrage that we have seen, the intensive media coverage of the stories and the allegations and the abuses that was caused after the discovery that the DNC, President Clinton and Vice President AL GORE had attended fund-raisers that raised illegal foreign money.

Now, why is the original law on our books? Why do we ban illegal or foreign contributions? Because we believe that our national security is at stake. And that if foreign sources can influence U.S. campaigns, U.S. elections and U.S. policy, will it be our interests or China's interests that are being bought and sold? We must have this protection in place. And what we have seen time and time again is the willful blindness defense in relation to these foreign contributions. They did not know. Somehow they did not know that this was a fund-raiser. A blind eye.

Well, the American people will not accept us in this place in this House turning a blind eye to the corruption and the abuses that took place dealing with foreign contributions. My amendment will close that loophole, take away that defense.

One example of a conspiracy is to launder illegal funds with the DNC's fund-raiser at the Buddhist monastery in California. It is being investigated here in Congress. As a matter of fact, it was discovered during the Senate's recent investigation that this fund-raiser was organized by John Huang and Maria Hsai. They both have asserted their Fifth Amendment rights in the ongoing congressional investigation and Ms. Hsai was recently indicted by a Federal grand jury.

Again, Vice President GORE participated in this fund-raiser. But there were different stories and different accounts, different defenses used by the Vice President as this became public.

On Meet the Press, October 13, 1996, he said, We have strictly abided by all the campaign laws, strictly. There have been no violations.

Then on October 21, 1996, Mr. GORE stated that the DNC set up the event and asked me to attend it. It was not a fund-raiser. It was billed as a community outreach event. And indeed, no money was offered or collected at the event. But after the fact contributions were sent in. I did not handle any of this.

Then his story changes again. Finally, on January 20, 1997, Mr. GORE acknowledged that he knew the event was a fund-raiser. It was a mistake for the DNC to hold a fund-raiser event at a temple, and I take responsibility for my attendance at the event.

On February 14, 1997, the White House released documents that proved that the Vice President's office knew beforehand that the Huang event was a fund-raiser and the documents warned Mr. GORE to use great, great caution.

According to the February 10, 1998 edition of the Washington Post, Mr. GORE was informed through internal e-mail and memorandums by then Deputy Chief of Staff Harold Ickes that the event was a fund-raiser. Here are some interesting facts about the DNC fund-raiser at the Buddhist monastery. The cost per head was $2,500. The monks

that donated to the DNC lived on a monthly stipend of $40.

The Senate investigation proved that the individuals were reimbursed for their donations. In other words, it was an illegal laundering of campaign contributions from questionable sources, many traced back to foreign donations or foreign money.

This event was videotaped by a private photographer. All copies of the videotape footage were taken from the production company by the Buddhist monastery and quickly shipped to Taiwan. The monk that took the tapes left the monastery after he learned the Senate Committee on Governmental Affairs served the monastery with a subpoena in search of those tapes. He has since disappeared and the videotapes remain hidden to this day.

But efforts to raise illegal campaign cash by the Democrats were not limited to this monastery. According to Bob Woodward, in the May 16, 1998 edition of the Washington Post, Johnny Chung, a Democratic fund-raiser, informed the U.S. Justice Department that a Chinese military officer who was an executive at the state-owned aerospace company gave him $300,000 to donate to the Democrats' 1996 campaign. As we know, the Chinese government's conspiracy to buy influence with Democratic leaders during the 1996 election has been well documented and will be fully investigated in this Congress.

As we look through the headlines today, it is overwhelming. The Washington Post, Saturday, May 16, Chung Ties China Money to DNC. New York Times, Democrat Fund-raiser said to Detail China Tie. New York Times, February 15, 1997, Clinton and Gore Received Warnings on Asian Donors. Chicago Tribune, Memos to Clinton Warned of Donors, Alarm Sounded Over Chinese Fund-raisers.

What is the defense? Willful blindness. Somehow they did not know.

Newsweek, White House Shell Game, Clinton Campaign's Frantic Fund-raising May Have Crossed the Line. The Washington Times, Huang's prodding for Lippo, an Indonesian company, verified. Washington Post, Scandal Alarms Went Unanswered. The Washington Post, DNC Acknowledges Inadequate Checks on Donors. The Washington Times, Foreign money scandal grows as $15 million offer is.

The Washington Post, Gore Community outreach Touched Wallets at Temple. The Washington Times, 31 Donors list DNC as Home Address.

It is the "don't ask, don't tell" policy of campaign fund-raising. I could go article after article after article until we are numb with the corruption. We simply want to protect our national security. We want to close this loophole. We want to take away this legal defense of willful blindness. The American people will not take a blind eye, neither should we.

I hope that we can have a consensus on this amendment that this defense will not be tolerated, will not be accepted and that we will close this loophole to make enforcement of illegal foreign contributions workable, doable and the law and practice of the land.

□ 2245

Mr. Chairman, I reserve the balance of my time.

Mr. SHAYS. Mr. Chairman, if I could know the proper request. I am not sure I oppose this, but I would like to claim the time in opposition.

The CHAIRMAN pro tempore (Mr. GIBBONS). The gentleman may, under a unanimous consent request, claim the time in opposition.

Mr. SHAYS. I thank the Chairman, and I do request that.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Connecticut (Mr. SHAYS) is recognized for 20 minutes.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

I understand the intent of the gentleman from Mississippi and agree with a good number of his remarks, but I would like him, if he would, to describe to me the term of art in subsection (b).

It shall not be a defense to a violation of subsection (a) that defendant did not know that the contribution originated from a foreign national if the defendant was aware of a high probability that the contribution originated from a foreign national.

Is this a term of art that is used that the courts have defined? Because I am not aware of it and, if so, I would like to know where it is used.

Mr. PICKERING. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Mississippi.

Mr. PICKERING. Mr. Chairman, my understanding is that it is a clarification of the ban on foreign contributions. The defense of the administration and many of those in the various investigations surrounding foreign contributions again go back time and time again to it was a lack of knowledge or it was a lack of a system of checks. But I believe it was a willful blindness, and this would simply take away that defense from those who are responsible in campaigns for raising money to know the source of the donors.

If we look at the RNC, in their past practices, they have set in place an elaborate system of checks on all donors, all sources, and especially if they have any potential relationship to a foreign contribution.

Mr. SHAYS. Reclaiming my time, Mr. Chairman, my question, though, still stands. I am aware of the terms knowing and willful. An individual has to know and has to be willful, and that is a term that has been defined by law in both the States and the Federal Government for a long time. I have never seen the concept of a high probability, and I am just interested if the gentleman, and this may be, in fact, what he decided to do, but is this a term of art that has been used in the past? I am not aware of it being used in the past. Or is this a term that the gentleman had to use to reach the conclusion he wanted to reach?

I would be happy to ask someone else if they wanted to respond. For the legislative record as well it would be helpful for us to have some definition of this term of high probability.

Mr. PICKERING. If the gentleman will continue to yield, the high probability would become the standard in these types of cases and it would, I believe, set a clearer standard than the one we have today. The high probability that the contribution originated from the foreign national would set the definition and the standard by what is responsible for those who are accepting and raising and soliciting foreign campaign contributions.

Mr. SHAYS. Would this be a term of art that the court would help us define or the FEC?

Mr. PICKERING. It could be done either way, as the litigation and the different challenges progress through the campaign FEC process and through the court process. But I do believe that we would find an answer to the gentleman's question as far as case law and precedent on the term high probability. I would be glad to work with the gentleman to answer that question.

Mr. MEEHAN. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Massachusetts.

Mr. MEEHAN. Mr. Chairman, I, too, could potentially support the amendment, but high probability, there is no legal texture to that. I do not believe that there is any case law that has been determined anywhere that I know of where high probability was the legal basis of anything.

Before I got here I was a prosecutor in Massachusetts. We had 13,000 cases a year. I think willfulness may be the legal term that we want, but I just do not know that there is any court that has ever defined from the legal perspective the term high probability. I do not know what high probability is.

High probability. If we get a contribution from someone whose last name is, I do not know, Chin, and there are a lot of Chinese people named Chin; is that high probability? If the court cannot define what a high probability is, then I think we ought to use a term that has a legal texture, a term that is in Black's Law Dictionary, a term that courts somewhere somehow have used to determine legislative intent.

Mr. LEVIN. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Michigan.

Mr. LEVIN. Mr. Chairman, let me ask the gentleman from Mississippi a friendly question so we understand this, and I guess the gentleman from Connecticut (Mr. SHAYS) will have to yield to him.

As I read this amendment, it says in the caption "prohibiting use of willful blindness." The word willful is there, and then later on the term high probability. In order to violate this statute, would there have to be willfulness?

Mr. PICKERING. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Mississippi.

Mr. PICKERING. Yes, that would be the legal standard of a willful act.

Mr. LEVIN. If the gentleman from Connecticut (Mr. SHAYS) will continue to yield, is the gentleman from Mississippi (Mr. PICKERING) using high probability to mean willfulness?

Mr. PICKERING. The high probability, there would be a willfulness, and the willfulness would be determined in clause (b) by the probability that he should be aware.

For example, when Vice President GORE went to the Buddhist monastery, should he have had a high probability that that was a fund-raising event and, given the nature of that fundraiser, was there a probability that they could have received, since the nuns and the monks at that monastery live on about a $40 stipend, would a reasonable person, would a reasonable court decide that there was a probability that there was illegal laundering and that there was a probability of foreign sources in that contribution?

Mr. LEVIN. The gentleman's answer is that he should have a different standard than willfulness. Now, I am not sure how this was drafted, but maybe the thing to do is, if the gentleman wants to pass this amendment, understand its contradictions or take it back and try to rewrite it so that it does not have the inconsistencies. The caption reads the same way.

Mr. PICKERING. I do not see an inconsistency between willful blindness and a fleshing out of that. Was he aware of a high probability that a contribution originated from a foreign national? I do not see any inconsistency in that standard. It supports and, further, I think enhances the language of willful blindness.

There may be a case to what court precedent does it refer to, what standard and what definition, but I do think that the high probability supports the intent.

Mr. LEVIN. I think it would help if the gentleman could cite any noncriminal statute in this country that uses the term high probability; any civil statute that has the term high probability in it.

Mr. PICKERING. I will be glad to get back to the gentleman. I will ask the staff to research the matter.

Mr. LEVIN. Good. I thank the gentleman.

Mr. SHAYS. Mr. Chairman, I reserve the balance of my time.

Mr. PICKERING. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DELAY. Mr. Chairman, I do not know who is watching this, I hope some of the Members are, but we just got a legal lesson and I do not know what these lawyers were talking about. I do know what willful blindness as a defense means from a personal common sense point of view. I also know what high probability means relative to a contribution originating from a foreign national. It is English language. It is a pretty high probability that if one goes to a Buddhist temple and gets all kinds of gifts and are told either verbally or in memos that it is a fundraiser, it is a pretty high probability the money is being raised there and it is a fundraiser.

Maybe 80 percent, 90 percent. I mean, if you have a friend by the name of Charlie Yah Lin Trie that you have known for 14 years, as a person that does nothing but business with Asian clients, and he comes and gives you $640,000, then there has got to be a high probability that it came from foreign nationals, and you cannot walk around and say, I was blind to that, even though it came on a check from a Chinese bank, wrapped in red Pagoda cigarettes or something.

If you have got a friend by the name of Pauline Kanchanalak, who is a lobbyist for Thailand and helped form a U.S. Thai business council and donated contributions to the DNC and had frequent contacts and coffees with John Huang, then it is a high probability that the money that you are getting comes from foreign nationals.

If you have a friend by the name of Johnny Chien Chuen Chung, a Taiwanese American from Torrance, California, and his company does business with foreign nationals and comes up with $366,000 for the Democratic Party, then it is a high probability that when you receive that along with all the other stuff you have received, that you probably, in high probabilities, know that it came from foreign nationals. You cannot walk around and say, oh, gee, I did not know that, and then get off, and then have your spinmeisters run up and down Pennsylvania Avenue and get all kinds of interviews and try to cover-up the fact that you are taking money from foreign nationals.

If you have a friend by the name of Arief and Soraya, and I cannot even pronounce the last name, Wiriadinata, something like that, who donated $450,000 to the DNC and was friends with a guy named Johnny Huang, and later returned it because Wiriadinata could not explain where it came from, then probably there is a high probability that it is money from foreign nationals.

I could go on with John Lee and Cheong Am, Yogesh Gandhi, Ng Lap Seng, Supreme Master Suma Ching Hai and George Psaltis.

These are American names, I know, and a lot of them are Americans and American citizens, but many of them did business with foreign nationals and brought money to the DNC and others.

All this amendment does is give the opportunity or take away the defense, with all the legalese pushed aside, takes away the defense that says, oh, well, I did not know it. It did not seem proper to me but I did not know it. Therefore, I am not guilty for breaking the law.

We are just making it once and for all breaking the law.

Mr. SHAYS. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I am glad to yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, I know the gentleman did not mean it to sound this way but when I listened to it it sounded this way. It sounded like if you have a foreign name, there was a high probability they were foreigners.

Mr. DELAY. Reclaiming my time, I knew the gentleman from Connecticut would try to do that.

Mr. SHAYS. That is what it sounded like.

Mr. DELAY. That is not my point. My point is that the administration and the DNC knew exactly who these people were, had known them for many, many long years, knew their contacts and I guarantee the gentleman, knew where this money came from, and walking into a Buddhist temple knowing that it was a fund-raiser and then walking out and saying, oh, well, I just really did not know it was a fund-raiser and I did not know I was getting foreign nationals is not a defense against the guilt of breaking the law, and the gentleman from Mississippi is making sure of the fact that you cannot claim blindness when there is a high probability you know that you are breaking the law.

Mr. SHAYS. Would the gentleman yield? I will yield on my time.

Mr. DELAY. Okay.

Mr. SHAYS. If I may, I just would be happy to take some time here. The gentleman is not saying if you have a foreign name, there is a high probability?

Mr. DELAY. No, I am not saying that.

Mr. SHAYS. Okay. I just think the record needs to show that.

Mr. DELAY. I appreciate that. I yield back the balance of my time.

Mr. PICKERING. Mr. Chairman, may I inquire as to how much time I have remaining?

The CHAIRMAN pro tempore (Mr. GIBBONS). The gentleman from Mississippi (Mr. PICKERING) has 2 minutes

remaining, and the right to close. The gentleman from Connecticut (Mr. SHAYS) has 12 minutes.

Mr. SHAYS. Mr. Chairman, I am happy to yield such time as he might consume to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Chairman, I thank my colleague for yielding.

The problem with the amendment, and we could come to some kind of an agreement, it seems to me, but the problem with the amendment is the term high probability is a statistical term. It has to do with the likelihood that something is going to happen. It is not a legal term. There is not any case, any civil case, there is not any criminal case. We cannot just be passing legislation. We have to take this seriously.

We should assume that this might become law. If we are doing that, we ought to sit down and come up with legislation and come up with wording in this instance that is something like this: That an individual knew or should have known. That is the legal terminology we should be able to sit down and come up with so we can have an agreement on this amendment. There is plenty of time in this debate to show photographs of the Vice President or anyone else for the political part of the argument, but it seems to me that it would be more constructive if we could work out language that we could come to an agreement on like knew or had reason to know.

There have been civil actions all over the country that people have been very successful on. There have been criminal actions people have been in.

□ 2300

It is knew or should have known, that is what the legal term is, but not high probability. I think we can work this out.

Mr. PICKERING. If the gentleman would yield, I would be glad to work with him. I think our intent is the same, to close this loophole, to take away this defense; and the language that my colleague suggested is something that I would be glad to sit down and work with him on.

I would add, though, that I believe we both understand the intent of this law. We have both seen the abuses. I think there is consent that we want to close that loophole and take away that defense, that we do not want to stand up here as American people, listen to this debate and say there is no controlling legal authority.

Mr. MEEHAN. Mr. Chairman, reclaiming my time, I think that is another amendment that we can get to. But I get the point. Hopefully, we will be able to work out the language on this.

I just do not want to see us accept all kinds of amendments and then have a high probability that it will all have to be thrown out once we finish with all this, because there clearly is a high probability that that would happen. But if we are looking at a legal term, I have a number that I can suggest and I think come to an accommodation.

Mr. Chairman, I yield the balance of my time to the gentleman from Connecticut (Mr. SHAYS), and I thank him for his patience.

Mr. BLUMENAUER. Mr. Chairman, if a modern day Rip Van Winkle tuned in today after napping for 25 years, who could fault him for immediately tuning out this debate on campaign finance reform? In 1971 and 1974 Congress passed campaign finance reforms that limited the amount of money in politics and, for the first time, required candidates to disclose the source of their money. The wisdom and application of those reform efforts have been debated by Congress ever since—annually, emotionally, and with futility.

So, for the last 25 years, Congressional campaigns have been conducted under a set of rules that have become unenforceable (through systematic defunding of the Federal Elections Commission), weakened (by court decisions), and yet located at the heart of the American distrust with elected officials. The Harris Poll showed us earlier this year that 85 percent of Americans believe special interests have more influence than voters on this institution. Who can fault them when total campaign spending has risen from $115 million in 1975, to $450 million in 1985, and almost certainly to over $1 billion in this election? Is it any wonder that voter turnout is at an all-time low, and that respect for Members of this institution seems to rise only when we are not in session?

In my relatively short time in Congress, I have seen how campaigns are financed, and how that distorts the decision making process. We would not have nearly the number of people who die each year from tobacco related deaths if it weren't for the influence of tobacco money in politics. I see negative ads from anonymous sources tearing at the fabric of our society. I see honest men and women trying to buck a system that distorts and creates negative consequences. And I see my colleagues, including Mr. ALLEN, Mr. SHAYS, Mr. MEEHAN and others, devoting enormous time and creativity to meaningful reforms that don't tilt in favor of Republicans or Democrats, don't unduly help incumbents, but do cut down the pursuit of campaign money.

We now know how cynically the deck has been stacked yet again against reform. Those who look at the current system and see nothing wrong have a rule that permits them to call up 258 non-germane amendments, essentially talking reform to death. Those who argue that we need more money in politics are using their control over the calendar to prevent a House bill—should one miraculously pass—from reaching the Senate before adjournment.

Despite these shenanigans, Mr. Chairman, we are not going to give up. The opponent of reform may succeed in pushing campaign finance reform into the 106th Congress, but reform is not going to die. The American people know the system is broken, and at the very least, we are going to give them a series of votes so after all the debate, after all the stalling tactics and parliamentary maneuvering, it will be perfectly clear who squandered this opportunity, and why.

Mr. SHAYS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PICKERING) having assumed the chair, Mr. GIBBONS, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PICKERING). The Chair desires to announce that pursuant to clause 4 of rule 1, the Speaker signed the following enrolled bill today: S. 2282, to amend the Arms Export Control Act, and for other purposes.

GENERAL LEAVE

Mrs. NORTHUP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2183.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Kentucky?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. FOWLER (at the request of Mr. ARMEY) for today on account of medical reasons.

Mr. MCNULTY (at the request of Mr. GEPHARDT) for today on account of official business in the district.

Mr. YATES (at the request of Mr. GEPHARDT) for today after 7:00 p.m. on account of physical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LEVIN) to revise and extend their remarks and include extraneous material:)

Mr. CONYERS, today, for 5 minutes.

Mr. POMEROY, today, for 5 minutes.

Mr. MINGE, today, for 5 minutes.

Mr. PETERSON of Minnesota, today, for 5 minutes.

Mr. DAVIS of Illinois, today, for 5 minutes.

Mr. STRICKLAND, today, for 5 minutes.

(The following Members (at the request of Mrs. NORTHUP) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, July 15 and 16, for 5 minutes.

Mr. HULSHOF, today, for 5 minutes.

Mr. MILLER of Florida, July 15, for 5 minutes.

Mr. FOX of Pennsylvania, today, for 5 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. LEVIN) and to include extraneous material:)

Mr. KIND.
Mr. FARR of California.
Mr. MILLER of California.
Mr. HALL of Ohio.
Mr. PASCRELL.
Mr. BARCIA.
Mr. TOWNS.
Mr. HINOJOSA.
Mr. FAZIO of California.
Mr. LEVIN.
Mr. TRAFICANT.
Ms. LEE.
Mr. SHERMAN.
Ms. NORTON.
Mr. HAMILTON.
Mr. UNDERWOOD.
Mr. VISCLOSKY.
Mr. BLUMENAUER.
Mr. MALONEY of Connecticut.
Mr. CONYERS.
Mr. LAFALCE.
Mr. BAESLER.
Ms. MILLENDER-MCDONALD.

(The following Members (at the request of Mrs. NORTHUP) and to include extraneous material:)

Mr. TIAHRT.
Mr. BEREUTER.
Mr. RADANOVICH.
Mr. RILEY.
Mr. DAVIS of Virginia.
Mr. SMITH of Michigan.
Mr. WALSH.
Mr. CUNNINGHAM.
Mr. HORN.
Mr. HYDE.
Mr. HULSHOF.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 439. An act to provide for Alaska State jurisdiction over small hydroelectric projects, to address voluntary licensing of hydroelectric projects on fresh waters in the State of Hawaii, to provide an exemption for portion of a hydroelectric project located in the State of New Mexico, and for other purposes; to the Committee on Commerce.

S. 799. An act to direct the Secretary of the Interior to transfer to the personal representative of the estate of Fred Steffens of Big Horn County, Wyoming, certain land comprising the Steffens family property; to the Committee on Resources.

S. 814. An act to direct the Secretary of the Interior to transfer to John R. and Margaret J. Lowe of Big Horn County, Wyoming, certain land so as to correct an error in the patent issued to their predecessors in interest; to the Committee on Resources.

S. 846. An act to amend the Federal Power Act to remove the jurisdiction of the Federal Energy Regulatory Commission to license projects on fresh waters in the State of Hawaii; to the Committee on Commerce.

S. 1976. An act to increase public awareness of the plight of victims of crime with developmental disabilities, to collect data to measure the magnitude of the problem, and to develop strategies to address the safety and justice needs of victims of crime with developmental disabilities; to the Committee on the Judiciary.

S. 2022. An act to provide for the improvement of interstate criminal justice identification, information, communications, and forensics; to the Committee on the Judiciary.

S. 2294. An act to facilitate the exchange of criminal history records for noncriminal justice purposes, to provide for the decentralized storage of criminal history records, to amend the National Child Protection Act of 1993 to facilitate the fingerprint checks authorized by that Act, and for other purposes; to the Committee on the Judiciary.

S. Con. Res. 30. Concurrent resolution expressing the sense of Congress that the rules of multilateral economic institutions, including the International Monetary Fund and the International Bank for Reconstruction and Development, should be amended to allow membership for the Republic of China on Taiwan and other qualified economies; to the Committee on Banking and Financial Services.

S. Con. Res. 107. Concurrent resolution affirming United States commitments under the Taiwan Relations Act; to the Committee on International Relations.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 651. An act to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes.

H.R. 652. An act to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes.

H.R. 848. An act to extend the deadline under the Federal Power Act applicable to the construction of the AuSable Hydroelectric Project in New York, and for other purposes.

H.R. 960. An act to validate certain conveyances in the City of Tulare, Tulare County, California, and for other purposes.

H.R. 1184. An act to extend the deadline under the Federal Power Act for the construction of the Bear Creek Hydroelectric Project in the State of Washington, and for other purposes.

H.R. 1217. An act to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes.

H.R. 1635. An act to establish within the United States National Park Service the National Underground Railroad Network to Freedom program, and for other purposes.

H.R. 2202. An act to amend the Public Health Service Act to revise and extend the bone marrow donor program, and for other purposes.

H.R. 2864. An act to require the Secretary of Labor to establish a program under which employers may consult with State officials respecting compliance with occupational safety and health requirements.

H.R. 2877. An act to amend the Occupational Health Act of 1970.

H.R. 3035. An act to establish an advisory commission to provide advice and recommendation on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies.

H.R. 3130. An act to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements, and for other purposes.

H.J. Res. 113. Joint resolution approving the location of a Martin Luther King, Jr., Memorial in the Nation's Capital.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 731. An act to extend the legislative authority for construction of the National Peace Garden memorial, and for other purposes.

S. 2282. An act to amend the Arms Export Control Act, and for other purposes.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following dates present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On July 7, 1998:

H.R. 960. An act to validate certain conveyances in the City of Tulare, Tulare County, California, and for other purposes.

On July 8, 1998:

H.R. 652. An act to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes.

H.R. 651. An act to extend the deadline under the Federal Power Act for the construction of a hydroelectric plant located in the State of Washington, and for other purposes.

H.J. Res. 113. Joint resolution approving the location of a Martin Luther King, Jr., Memorial in the Nation's Capital.

H.R. 3130. An act to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements to reform Federal incentive payments for effective child support performance, to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements, and for other purposes.

H.R. 3035. An act to establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies.

H.R. 2877. An act to amend the Occupational Safety and Health Act of 1970.

H.R. 2864. An act to require the Secretary of Labor to establish a program under which employers may consult with State officials respecting compliance with occupational safety and health requirements.

H.R. 2202. An act to amend the Public Health Service Act to revise and extend the bone marrow donor program, and for other purposes.

H.R. 1217. An act to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes.

H.R. 1184. An act to extend the deadline under the Federal Power Act for the construction of the Bear Creek Hydroelectric Project in the State of Washington, and for other purposes.

H.R. 848. An act to extend the deadline under the Federal Power Act applicable to the construction of the AuSable Hydroelectric Project in New York, and for other purposes.

On July 14, 1998:

H.R. 1316. An act to amend chapter 87 of title 5, United States Code, with respect to the order of precedence to be applied in the payment of life insurance benefits.

H.R. 2646. An act to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

H.R. 1635. An act to establish within the United States National Park Service the National Underground Railroad Network to Freedom Program, and for other purposes.

ADJOURNMENT

Mrs. NORTHUP. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 7 minutes p.m.) under its previous order, the House adjourned until tomorrow, Wednesday, July 15, 1998, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

9882. A letter from the Secretary of Agriculture, transmitting the annual report on foreign investment in U.S. agricultural land through December 31, 1996, pursuant to 7 U.S.C. 3504; to the Committee on Agriculture.

9883. A letter from the Administrator, Rural Development, Department of Agriculture, transmitting the Department's final rule—Electric Engineering, Architectural Services and Design Policies and Procedures (RIN: 0572–AA48) received June 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9884. A communication from the President of the United States, transmitting requests for FY 1999 budget amendments totaling $3.8 million for initiatives that will reduce crime, enhance public safety, and restore confidence in the criminal justice system in the District of Columbia; pursuant to 31 U.S.C. 1106(b); (H. Doc. No. 105–281); to the Committee on Appropriations and ordered to be printed.

9885. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Direct Award of 8(a) Contracts [DFARS Case 98–D011] received June 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

9886. A letter from the Secretary of Defense, transmitting a report on the disposal of excess and surplus materials, pursuant to Public Law 105–85; to the Committee on National Security.

9887. A letter from the Secretary of Defense, transmitting the semiannual report of the Inspector General and classified annex for the period ending March 31, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on National Security.

9888. A letter from the Secretary of Defense, transmitting a report entitled "Military Capabilities of the People's Republic of China," pursuant to Public Law 105–85, section 1226; to the Committee on National Security.

9889. A letter from the Deputy Director for Policy and Programs, Department of the Treasury, transmitting the Department's final rule—Notice Inviting Applications to the Presidential Awards for Excellence in Microenterprise Development [No. 981–0158] received June 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9890. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Defense Priorities and Allocations System [Docket No. 970827205–8126–02] (RIN: 0694–AA02) received June 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9891. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting a draft of proposed legislation entitled "Thrift Litigation Funding Act of 1998"; to the Committee on Banking and Financial Services.

9892. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the FY 1999 revised Annual Performance Plan for the Export-Import Bank, pursuant to 12 U.S.C. 635g(a); to the Committee on Banking and Financial Services.

9893. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA–7688] received June 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9894. A letter from the Chairman, Federal Reserve System, transmitting the annual report to Congress outlining observed trends in the cost and availability of retail banking services; to the Committee on Banking and Financial Services.

9895. A letter from the Director, Office of Thrift Subervision, transmitting the 1997 Annual Report to Congress on the Preservation of Minority Savings Institutions; to the Committee on Banking and Financial Services.

9896. A letter from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Notice of Final Funding Priorities for Fiscal Years 1998–1999 for Rehabilitation Research and Training Centers—received June 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9897. A letter from the Assistant Secretary, Office of Special Education and Rehabilitative Services, Department of Education, transmitting Notice of Final Funding Priorities for Fiscal Years 1998–1999 for a Rehabilitation Research and Training Center, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

9898. A letter from the Secretary of Health and Human Services, transmitting a report entitled "A Study of Benefits for Head Start Employees"; to the Committee on Education and the Workforce.

9899. A letter from the Clerk, United States Court of Appeals for the District of Columbia, transmitting an opinion of the United States Court of Appeals, No. 96–7030—Carole Kolstad v. American Dental Association; to the Committee on Education and the Workforce.

9900. A letter from the Director, Minority Business Development Agency, Department of Commerce, transmitting the Department's final rule—Revision of the Cost-Share Requirement and Applicability of the Ten Bonus Points to All Future Solicitations to Operate Minority Business Development Centers (MBDC) [Docket No. 980608150–8150–01] (RIN: 0640–ZA03) received June 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9901. A letter from the Director, Office of Rulemaking Coordination, Department of Energy, transmitting the Department's final rule—Performance-Based Contracting [FAR Subpart 37.6] Performance-Based Contracting [DEAR Section 970.1001] Performance-Based Incentives [Acquisition Letter 97–08] Cost Reduction Incentives [Acquisition Letter 97–09] received June 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9902. A letter from the Director, Office of Rulemaking Coordination, Department of Energy, transmitting the Department's final rule—Personnel Security Activities [DOE O 472.1B] received June 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9903. A letter from the Director, Office of Rulemaking Coordination, Department of Energy, transmitting the Department's final rule—Packaging and Transportation Safety [DOE O 460.1A] received June 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9904. A letter from the Acting Deputy General Counsel for Energy Policy, Department of Energy, transmitting the Department's final rule—Contracting with the Small Business Administration [FAR 19.8] Notification of Competition Limited to Eligible 8(a) Concerns [FAR 52.219–18] Section 8(a) Direct Award [FAR 52.219–70XX] received June 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9905. A letter from the Director, Office of Rulemaking Coordination, Department of

Energy, transmitting the Department's final rule—Advisory Committee Management Program—received June 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9906. A letter from the Director, Office Of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—OMB Approval Numbers Under the Paperwork Reduction Act [FRL–6111–4] received June 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9907. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan; Indiana [IN85–1a; FRL–6115–7] received June 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9908. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Organobromine Production Wastes; Identification and Listing of Hazardous Waste; Land Disposal Restrictions: Listing of CERCLA Hazardous Substances, Reportable Quantities; Final Rule [FRL–6115–4] (RIN: 2050–AD79) received June 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9909. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Ohio [OH103–2; FRL–6116–9] received June 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9910. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Disposal of Polychlorinated Biphenyls (PCBs) [OPPTS–66009C; FRL–5726–1] (RIN: 2070–AC01) received June 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9911. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Beverages: Bottled Water; Correction [Docket No. 98N–0294] received June 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9912. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's final rule—Revision of Fee Schedules; 100% Fee Recovery, FY 1998 (RIN: 3150–AF 83) received June 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9913. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize the activities and necessary appropriations to establish digital broadcasting capability for public television and radio stations; to the Committee on Commerce.

9914. A letter from the Secretary of Health and Human Services, transmitting an annual report on Performance Improvement 1998: Evaluation Activities of the U.S. Department of Health and Human Services; to the Committee on Commerce.

9915. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled "Medicaid and Children's Health Improvement Amendments of 1998"; to the Committee on Commerce.

9916. A letter from the Secretary, Securities And Exchange Commission, transmitting the Commission's final rule—Definitions of "Small Business" or "Small Organization" Under the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Exchange Act of 1934, and the Securities Act of 1933 [Release Nos. 33–7548, 34–40122, IC–23272, and IA–1727; File No.S7–4–97] (RIN: 3235–AG62; 3235–AH01) received June 25,1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9917. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Presidential Determination No. 94–50: directed the provision of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training to the countries participating in the multinational coalition to restore democracy to Haiti, pursuant to 22 U.S.C. 2318(a)(1); to the Committee on International Relations.

9918. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to Spain (Transmittal No. 12–98), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

9919. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to Turkey (Transmittal No. 13–98), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

9920. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Japan for defense articles and services (Transmittal No. 98–41), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9921. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Japan for defense articles and services (Transmittal No. 98–46), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9922. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Spain for defense articles and services (Transmittal No. 98–48), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9923. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to the Government of the State of Kuwait (Transmittal No. RSAT–2–98), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9924. A letter from the Assistant Secretary of State for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Germany, NATO, Sweden, Switzerland (Transmittal No. DTC–84–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9925. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Turkey (Transmittal No. DTC–72–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9926. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Germany (Transmittal No. DTC–73–98), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9927. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Spain (Transmittal No. DTC–80–98), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9928. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Japan (Transmittal No. DTC–75–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9929. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 98–24: Authorized the use of the Emergency Refugee and Migration Assistance Fund to meet the urgent and unexpected needs of refugees, victims of conflict, and other persons at risk in Africa and Southeast Asia, pursuant to 22 U.S.C. 2601(c)(3); to the Committee on International Relations.

9930. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on proliferation of missiles and essential components of nuclear, biological, and chemical weapons, pursuant to 22 U.S.C. 2751 nt.; to the Committee on International Relations.

9931. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the annual report on authorized U.S. commercial exports, military assistance and foreign military sales and military imports for fiscal year 1997, pursuant to Public Law 104—106, section 1324(c) (110 Stat. 481); to the Committee on International Relations.

9932. A communication from the President of the United States, transmitting a report on arms control treaty compliance by the successor states to the Soviet Union and other nations that are parties to arms control agreements with the United States, as well as by the United States itself, pursuant to 22 U.S.C. 2592; to the Committee on International Relations.

9933. A letter from the Director, Arms Control and Disarmament Agency, transmitting the Agency's classified Executive Summary and Annexes to the U.S. Arms Control and Disarmament Agency's (ACDA) 1997 Annual Report, pursuant to 22 U.S.C. 2590; to the Committee on International Relations.

9934. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Passport Procedures—Amendment to Restriction of Passports Regulation [Public Notice 2712] received June 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9935. A communication from the President of the United States, transmitting the report on the Treaty on Conventional Armed Forces in Europe (CFE) Treaty Designated Permanent Storage Sites; to the Committee on International Relations.

9936. A letter from the Mayor, Council of the District of Columbia, transmitting a copy of D.C. Act 12–357, "Fiscal Year 1999 Budget Request Act" received June 19, 1998, pursuant to D.C. Code section 1—233(c)(1); to

the Committee on Government Reform and Oversight.

9937. A letter from the Deputy Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Commission Records and Information [17 CFR Part 145] received June 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

9938. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Block Grant Programs: Implementation of OMB Circular A–133 (RIN: 0991–AA92) received June 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

9939. A letter from the Administrator, Environmental Protection Agency, transmitting the determination that will allow the U.S. Environmental Protection Agency to place a contract with the National Academy of Public Administration; to the Committee on Government Reform and Oversight.

9940. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Circular 97–05; Introduction [48 CFR Chapter 1] received June 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

9941. A letter from the Clerk of the House of Representatives, transmitting the annual compilation of personal financial disclosure statements and amendments thereto filed with the Clerk of the House of Representatives, pursuant to 2 U.S.C. 703(d)(1) and Rule XLIV, clause 1, of the House Rules; (H. Doc. No. 105—280); to the Committee on House Oversight and ordered to be printed.

9942. A letter from the Assistant Administrator, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Dean John A. Knauss Marine Policy Fellowship National Sea Grant College Federal Fellows Program, [Docket No. 980427106–8106–01] (RIN: 0648–ZA42) received June 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9943. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Closures and Reopenings From the U.S.—Canada Border To Cape Falcon, Oregon [Docket No. 980429110–8110–01 I.D. 060298B] received June 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9944. A letter from the Acting Deputy Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Coastal Services Center Coastal Change Analysis Program [Docket No. 980429111–8111–01] (RIN: 0648–ZA43) received June 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9945. A letter from the Executive Director, The Presidio Trust, transmitting the Trust's final rule—Interim Management of the Presidio (RIN: 3212–AA00) received June 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9946. A letter from the Director, Executive Office for Immigration Review, Department of Justice, transmitting the Department's final rule—Adjustment of Status to That of Person Admitted for Permanent Residence [EOIR No. 119I; A.G. ORDER No. 2117–97] (RIN: 1125–AA20) received June 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9947. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's Twentieth Annual Report to Congress pursuant to section 7A of the Clayton Act, pursuant to 15 U.S.C. 18a(j); to the Committee on the Judiciary.

9948. A letter from the Clerk, United States Court of Appeals for the District of Columbia, transmitting an opinion of the United States Court of Appeals, No. 96–5343—Auction Company of America v. Federal Deposit Insurance Corporation, as Manager of the FSLIC Resolution Trust Fund; to the Committee on the Judiciary.

9949. A letter from the Secretary of Transportation, transmitting the Department's 1997 annual report on the recommendations received from the National Transportation Board regarding transportation safety, pursuant to 49 U.S.C. app. 1906(b); to the Committee on Transportation and Infrastructure.

9950. A letter from the Deputy Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Miscellaneous Revisions to the NASA FAR Supplement [48 CFR Parts 1807, 1816, 1817, 1827, 1832, 1837, 1842, 1845, and 1852] received June 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9951. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule—Disaster Loan Program [13 CFR Part 123] received June 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

9952. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule—Rules of NCUA Board Procedure; Promulgation of NCUA Rules and Regulations; Public Observation of NCUA Board Meetings [12 CFR Part 791] received June 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

9953. A letter from the Clerk of the House of Representatives, transmitting the annual compilation of personal financial disclosure statements and amendments thereto filed with the Clerk of the House of Representatives, pursuant to 2 U.S.C. 703(d)(1) and Rule XLIV, clause 1, of the House Rules; (H. Doc. No. 105—280); to the Committee on Standards of Official Conduct and ordered to be printed.

9954. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule— Criteria for Approving Flight Courses for Educational Assistance Programs (RIN: 2900–AI76) received June 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9955. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule— Veterans' Education: Effective Date for Awards of Educational Assistance to Veterans Who Were Voluntarily Discharged (RIN: 2900–AI88) received June 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9956. A letter from the Assistant Secretary for Policy and Planning, Department of Veterans Affairs, transmitting the Annual Report of the Secretary of Veterans Affairs for Fiscal Year 1997, pursuant to 38 U.S.C. 214, 221(c), and 664; to the Committee on Veterans' Affairs.

9957. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to authorize a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and dependency and indemnity compensation for survivors of such veterans, to authorize payment of these benefits at full rates for certain Filipinos who reside in the United States, to establish a reserve to fully fund "H" policy holders under the National Service Life Insurance program, and for other purposes; to the Committee on Veterans' Affairs.

9958. A letter from the Executive Assistant, Legislative Affairs, Bureau of Alcohol, Tobacco and Firearms, transmitting a copy of the Bureau of Alcohol, Tobacco and Firearms (ATF) Fiscal Year 1997 Annual Report; to the Committee on Ways and Means.

9959. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to authorize an increase in certain user fees to recover costs incurred for the modernization of automated commercial operations by the United States Customs Service; to the Committee on Ways and Means.

9960. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Effect of Imported Articles on the National Security [Docket No. 980508121–8121–01] (RIN: 0694–AB58) received June 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9961. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [Rev. Proc. 98–38] received June 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9962. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—EIC Eligibility Requirements (RIN: 1545–AV62) received June 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9963. A letter from the Director, Central Intelligence Agency and Director, Federal Bureau of Investigation, Central Intelligence Agency, transmitting a unclassified report to Congress on the Intelligence Activities of the People's Republic of China; to the Committee on Intelligence (Permanent Select).

9964. A letter from the Secretary of Energy, transmitting the semi-annual report regarding programs for the protection, control, and accountability of fissile materials in the countries of the former Soviet Union, pursuant to Public Law 104—106, section 3131(b) (110 Stat. 617); jointly to the Committees on National Security and International Relations.

9965. A letter from the Secretary of Health and Human Services, transmitting the results of the Demonstration Program for Direct Billing of Medicare, Medicaid, and other Third-Party Payors, pursuant to 25 U.S.C. 1671; jointly to the Committees on Commerce and Resources.

9966. A letter from the Secretary of Health and Human Services, transmitting Recommendations for health, safety, and equipment standards for boxers, pursuant to 15 U.S.C. 6311; jointly to the Committees on Commerce and Education and the Workforce.

9967. A letter from the Secretary of Transportation, transmitting the Department's annual report titled "Importing Noncomplying Motor Vehicles" for calendar year

1997; jointly to the Committees on Commerce and Ways and Means.

9968. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Presidential Determination No. 98–31 providing a supplementary contribution to the Korean Peninsula Energy Development Organization; jointly to the Committees on International Relations and Appropriations.

9969. A letter from the The Board, Railroad Retirement Board, transmitting a report on the actuarial status of the railroad retirement system, including any recommendations for financing changes for a 25-year period, 1998–2022; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

9970. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Medicare and Medicaid Programs: Effective Dates of Provider Agreements and Supplier Approvals [HSQ–139–F] (RIN: 0938–AC88) received June 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

9971. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Medicare and Medicaid; Resident Assessment in Long Term Care Facilities [HCFA–2180–F] (RIN: 0938–AE61) received June 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

9972. A letter from the Regulations Coordinator, Department of Health And Human Services, transmitting the Department's final rule—MedicareChoice Program; Collection of User Fees From MedicareChoice Plans and Risk-Sharing Contractors [HCFA–1911–IFC] (RIN: 0938–AI35) received June 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

9973. A letter from the Railroad Retirement Board, transmitting the 1998 annual report on the financial status of the railroad unemployment insurance system, pursuant to 45 U.S.C. 369; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of June 25, 1998]

Mr. LEACH: Committee on Banking and Financial Services. H.R. 1756. A bill to amend chapter 53 of title 31, United States Code, to require the development and implementation by the Secretary of the Treasury of a national money laundering and related financial crimes strategy to combat money laundering and related financial crimes, and for other purposes; with an amendment (Rept. 105–608 Pt. 1). Ordered to be printed.

[The following action occurred on July 8, 1998]

Mr. REGULA: Committee on Appropriations. H.R. 4193. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes (Rept. 105–609). Referred to the Committee of the Whole House on the State of the Union.

Mr. LEWIS of California: Committee on Appropriations. H.R. 4194. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry, independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes (Rept. 105–610). Referred to the Committee of the Whole House on the State of the Union.

Mr. LEACH: Committee on Banking and Financial Services. H.R. 4005. A bill to amend title 31 of the United States Code to improve methods for preventing financial crimes, and for other purposes; with an amendment (Rept. 105–611 Pt. 1). Ordered to be printed.

[Submitted July 14, 1998]

Mr. BLILEY: Committee on Commerce. H.R. 872. A bill to establish rules governing product liability actions against raw materials and bulk component suppliers to medical device manufacturers, and for other purposes; with an amendment (Rept. 105–549 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1728. A bill to provide for the development of a plan and a management review of the National Park System and to reform the process by which areas are considered for addition to the National Park System, and for other purposes; with an amendment (Rept. 105–612). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3460. A bill to approve a governing international fishery agreement between the United States and the Republic of Latvia, and for other purposes; with an amendment (Rept. 105–613). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2379. A bill to designate the Federal building and United States courthouse located at 251 North Main Street in Winston-Salem, North Carolina, as the "Hiram H. Ward Federal Building and United States Courthouse" (Rept. 105–614). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2787. A bill to designate the United States courthouse located in New Haven, Connecticut, as the "Richard C. Lee United States Courthouse"; with amendments (Rept. 105–615). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3223. A bill to designate the Federal building located at 300 East 8th Street in Austin, Texas, as the "J.J. 'Jake' Pickle Federal Building" (Rept. 105–616). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3696. A bill to designate the Federal Courthouse located at 316 North 26th Street in Billings, Montana, as the "James F. Battin Federal Courthouse"; with amendment (Rept. 105–617). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3982. A bill to designate the Federal building located at 310 New Bern Avenue in Raleigh, North Carolina, as the "Terry Sanford Federal Building"; with an amendment (Rept. 105–618). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. S. 1800. An act to designate the Federal building and United States courthouse located at 85 Marconi Boulevard in Columbus, Ohio, as the "Joseph P. Kinneary United States Courthouse" (Rept. 105–619). Referred to the House Calendar.

Mr. SENSENBRENNER: Committee on Science. H.R. 2544. A bill to improve the ability of Federal agencies to license federally owned inventions; with an amendment (Rept. 105–620, Pt. 1). Ordered to be printed.

Mr. GOSS: Committee on Rules. House Resolution 498. Resolution providing for consideration of the bill (H.R. 4104) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes (Rept. 105–622). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 499. Resolution providing for consideration of the bill (H.R. 3682) to amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions (Rept. 105–623). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 500. Resolution providing for the consideration of the bill (H.R. 3267) to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a feasibility study and construct a project to reclaim the Salton Sea (Rept. 105–624). Referred to the House Calendar.

Mr. BURTON: Committee on Government Reform and Oversight. H.R. 3249. A bill to provide for the rectification of certain retirement coverage errors affecting Federal employees, and for other purposes; with an amendment (Rept. 105–625 Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on the Judiciary discharged from further consideration. H.R. 2544 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 5 of rule X the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 3267 referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[The following action occurred on July 8, 1998]

Mr. LEACH: Committee on Banking and Financial Services. H.R. 4005. A bill to amend title 31 of the United States Code to improve methods for preventing financial crimes, and for other purposes; with an amendment; referred to the Committee on the Judiciary for a period ending not later than July 31, 1998, for consideration of such provisions of the bill and amendment recommended by the Committee on Banking and Financial Services as fall within the jurisdiction of that committee pursuant to clause 1(c), rule X.

[Submitted July 14, 1998]

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3267. A bill to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a feasibility study and construct a project to reclaim the Salton Sea; with an amendment; referred to the Committee on Transportation for a period ending not later than July 14, 1998, for consideration of such provisions of

the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(q), rule X (Rept 105–621, Pt. 1).

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[Omitted from the Record of June 25, 1998]

H.R. 1756. Referral to the Committee on the Judiciary extended for a period ending not later than July 31, 1998.

[The following action occurred on July 8, 1998]

H.R. 4005. Referral to the Committees on the Judiciary and Ways and Means extended for a period ending not later than July 31, 1998.

[Submitted July 14, 1998]

H.R. 2544. Referral to the Committee on the Judiciary extended for a period ending not later than July 14, 1998.

H.R. 3249. Referral to the Committee on Ways and Means extended for a period ending not later than July 15, 1998.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Oregon (for himself, Mr. NETHERCUTT, Mr. COMBEST, Mr. STENHOLM, Mr. BEREUTER, Mr. BARRETT of Nebraska, Mr. BOEHNER, Mr. EWING, Mr. POMBO, Mr. POMEROY, Mr. LUCAS of Oklahoma, Mr. HOLDEN, Mrs. EMERSON, Mr. JOHN, Mr. MORAN of Kansas, Mr. BOSWELL, Mr. BOB SCHAFFER, Mr. THUNE, Mr. MINGE, Mrs. CHENOWETH, and Mr. HAMILTON):

H.R. 4195. A bill to amend the Arms Export Control Act, and for other purposes; to the Committee on International Relations.

By Mr. BARR of Georgia:

H.R. 4196. A bill to restore the division of governmental responsibilities between the national government and the States that was intended by the Framers of the Constitution, by requiring all Federal departments and agencies to comply with former Executive Order 12612; to the Committee on the Judiciary.

By Mr. BARR of Georgia:

H.R. 4197. A bill to repeal section 656 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, to prohibit Federal agencies from construing Federal law as authorizing the establishment of a national identification card, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. WELLER (for himself and Mr. FOX of Pennsylvania):

H.R. 4198. A bill to require a parent who is delinquent in child support to include his unpaid obligation in gross income, and to allow custodial parents a bad debt deduction for unpaid child support payments; to the Committee on Ways and Means.

By Mr. FOX of Pennsylvania:

H.R. 4199. A bill to authorize the Secretary of the Treasury to mint and issue coins in commemoration of Laurie Beechman and her battle against ovarian cancer; to the Committee on Banking and Financial Services.

By Mr. FOX of Pennsylvania:

H.R. 4200. A bill to authorize additional appropriations for the National Cancer Institute to provide to the public information and education on ovarian cancer; to the Committee on Commerce.

By Mr. DAVIS of Virginia:

H.R. 4201. A bill to provide that the provisions of subchapter III of chapter 83 and chapter 84 of title 5, United States Code, that apply with respect to law enforcement officers be made applicable with respect to Assistant United States Attorneys; to the Committee on Government Reform and Oversight.

By Mr. ENSIGN:

H.R. 4202. A bill to amend title XXVII of the Public Health Service Act to establish certain standards with respect to health plans; to the Committee on Commerce.

By Mr. GREENWOOD (for himself, Mr. BOUCHER, Ms. ROS-LEHTINEN, Mr. COSTELLO, Mr. LAFALCE, Mr. FROST, and Mr. ROTHMAN):

H.R. 4203. A bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Institutes of Health with respect to research on autism; to the Committee on Commerce.

By Mr. LATHAM:

H.R. 4204. A bill to amend the Controlled Substances Act to provide civil liability for illegal manufacturers and distributors of controlled substances for the harm caused by the use of those controlled substances; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCKINNEY (for herself, Mr. LEWIS of Georgia, and Mr. BISHOP):

H.R. 4205. A bill to designate the United States Post Office located at 520 West Ponce De Leon Avenue in Decatur, Georgia, as the "Margie Pitts Hames Post Office"; to the Committee on Government Reform and Oversight.

By Mr. MCNULTY (for himself, Mr. MILLER of California, Mrs. MALONEY of New York, Mr. SERRANO, Mr. CLYBURN, Mr. BISHOP, Mrs. MEEK of Florida, Mr. NADLER, Mr. ABERCROMBIE, Ms. NORTON, Mr. ROMERO-BARCELO, Mr. ACKERMAN, Mr. BROWN of California, Mr. LAFALCE, Mr. SANDERS, Ms. KILPATRICK, Mr. GILMAN, Ms. JACKSON-LEE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCDERMOTT, Mr. MEEKS of New York, Mr. PASCRELL, Ms. MILLENDER-MCDONALD, Ms. PELOSI, Mrs. LOWEY, Mr. MEEHAN, Mr. NEAL of Massachusetts, Mr. DICKS, Mr. GEJDENSON, Mr. ANDREWS, Mr. BALDACCI, Mr. BOEHLERT, Mr. HINCHEY, Mr. FRANK of Massachusetts, Mr. WYNN, Mrs. KENNELLY of Connecticut, Mrs. MCCARTHY of New York, Mr. JACKSON, Ms. DELAURO, Mr. FROST, Mr. FILNER, Mr. MCHUGH, and Ms. STABENOW):

H.R. 4206. A bill to establish the Kate Mullany National Historic Site in the State of New York, and for other purposes; to the Committee on Resources.

By Mr. METCALF:

H.R. 4207. A bill to direct the Secretary of Transportation to convey the Mukilteo Light Station to the City of Mukilteo, Washington; to the Committee on Transportation and Infrastructure.

By Ms. NORTON:

H.R. 4208. A bill to provide for full voting representation in the Congress for the District of Columbia; to the Committee on the Judiciary.

By Mr. PALLONE:

H.R. 4209. A bill to amend the Arms Export Control Act, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Banking and Financial Services, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REDMOND:

H.R. 4210. A bill to address the simultaneous decline of forest health of National Forest System lands in the state of New Mexico and rural community economies and to prevent and protect such lands from catastrophic fires, consistent with the requirements of existing public land management and environmental laws; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RILEY (for himself and Mr. HILLIARD):

H.R. 4211. A bill to establish the Tuskegee Airmen National Historic Site, in association with the Tuskegee University, in the State of Alabama, and for other purposes; to the Committee on Resources.

By Mr. SCOTT (for himself, Mr. SISISKY, and Mr. PICKETT):

H.R. 4212. A bill to amend the Internal Revenue Code of 1986 to give top performing enterprise communities priority for designation as the empowerment zones authorized by the Taxpayer Relief Act of 1997; to the Committee on Ways and Means.

By Mr. SOLOMON (for himself and Mr. MENENDEZ):

H.R. 4213. A bill to amend the Securities Exchange Act of 1934 to provide for an annual limit on the amount of certain fees which may be collected by the Securities and Exchange Commission; to the Committee on Commerce.

By Mr. STARK (for himself, Mr. CARDIN, Mr. WAXMAN, Mr. BERRY, Mr. BROWN of Ohio, Mr. MATSUI, Mr. FILNER, Mr. LAFALCE, Mr. FROST, and Mr. MCDERMOTT):

H.R. 4214. A bill to amend part C of title XVIII of the Social Security Act to prohibit the use of "cold-call" marketing of Medicare+Choice plans; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WHITFIELD (for himself and Mr. STRICKLAND):

H.R. 4215. A bill to require the Secretary of Energy to submit to Congress a plan to ensure that all amounts accrued on the books of the United States Enrichment Corporation for the disposition of depleted uranium hexafluoride will be used to treat and recycle depleted uranium hexafluoride; to the Committee on Commerce, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

357. The SPEAKER presented a memorial of the Senate of the State of Colorado, relative to Senate Joint Resolution No. 98-31 urging Congress to pass the Medicaid Community Attendant Services Act of 1997; to the Committee on Commerce.

358. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 85 memorializing the Secretary of the United States Department of Health and Human Services is respectfully requested to reconsider these proposed regulations and to continue to allow for the regional sharing of organs based upon a well-regulated and uniform list of potential recipients; to the Committee on Commerce.

359. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Resolution 98-023 urging the President of the United States not to sign the Kyoto Protocol, we strongly urge the United States Senate not to ratify the treaty; to the Committee on International Relations.

360. Also, a memorial of the Senate of the State of Pennsylvania, relative to Senate Resolution No. 134 memorializing the President of the United States not to sign the Kyoto Protocol; to the Committee on International Relations.

361. Also, a memorial of the Senate of the State of Pennsylvania, relative to Senate Resolution No. 218 urging the Congress of the United States to consider and pass S. 1284, H.R. 3188 or H.R. 2313, each of which would prohibit future memorials in the area desired by the Air Force; to the Committee on Resources.

362. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 113 memorializing Congress to enact legislation prohibiting sports agents from influencing college athletes; to the Committee on the Judiciary.

363. Also, a memorial of the Senate of the State of Pennsylvania, relative to Senate Resolution No. 183 urging the President of the United States and Congress to provide the Commission with funding in an amount equal to what is owed for the Federal Government's share of the Commission's operating budgets for Fiscal Years 1996, 1997, 1998 and 1999; to the Committee on the Judiciary.

364. Also, a memorial of the Senate of the State of Pennsylvania, relative to Senate Resolution 216 urging the President of the United States and Congress to provide the Commission with funding in an amount equal to what is owed for the Federal Government's share of the Commission's operating budgets for fiscal years 1996, 1997, 1998 and 1999; to the Committee on the Judiciary.

365. Also, a memorial of the House of Representatives of the State of Oklahoma, relative to House Resolution No. 1066 memorializing the United States Congress to take action to ensure the freedom of religion in public places as guaranteed by the United States Constitution; and directing distribution; to the Committee on the Judiciary.

366. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 61 memorializing the Commissioner of the Immigration and Naturalization Service, the President, and the Congress of the United States to ensure that available resources are directed, and any additional funds as needed are appropriated, in order to eliminate, within 10 months, the current backlog in naturalization applications; to the Committee on the Judiciary.

367. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 30 memorializing the United States Congress to take such actions as are necessary to amend the Highway Beautification Act of 1965 to revise provisions relating to the lighting requirements of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System and the Federal-Aid primary system; to the Committee on Transportation and Infrastructure.

368. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 30 memorializing the United States Congress to take such actions as are necessary to amend the Highway Beautification Act of 1965 to revise provisions relating to the lighting requirements of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System and the Federal-Aid primary system; to the Committee on Transportation and Infrastructure.

369. Also, a memorial of the Senate of the State of Colorado, relative to Senate Joint Resolution 98-005 memorializing the President and the Congress to enact Legislation To Rename the Washington National Airport As The "Ronald Reagan Washington National Airport"; to the Committee on Transportation and Infrastructure.

370. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 482 memorializing the President and Congress of the United States to revise the requirement that applicants for hunting and fishing licenses provide their Social Security numbers; to the Committee on Ways and Means.

371. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 352 memorializing the Congress of the United States to create job and housing opportunities by supporting legislation to increase the private activity bond cap and low-income housing tax credit allocation; to the Committee on Ways and Means.

372. Also, a memorial of the Senate of the State of Alaska, relative to Senate Resolution 1 memorializing its gratititude to the members of the Swiss government and banking officials who have cooperated thus far in allowing investigations to be carried out because, without their assistance, these investigations would not be possible and none of the assets in question would be recoverable by their rightful owners or their heirs; jointly to the Committees on International Relations and Banking and Financial Services.

373. Also, a memorial of the House of Representatives of the State of Tennessee, relative to House Joint Resolution No. 525 memorializing each member of the U.S. Congress from Tennessee to utilize the full measure of his or her influence to effect the enactment of the Medicare Venipuncture Fairness Act; jointly to the Committees on Ways and Means and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII,

Mr. HUNTER introduced A bill (H.R. 4216) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for a barge; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. MEEKS of New York and Ms. LEE.

H.R. 306: Ms. LEE.

H.R. 532: Mr. BLAGOJEVICH.

H.R. 536: Ms. LEE, Ms. NORTON, and Ms. WATERS.

H.R. 538: Ms. LEE.

H.R. 594: Mr. ANDREWS, Mr. SHERMAN, and Mr. ENGEL.

H.R. 611: Mr. SALMON, Mr. BOEHLERT, and Mrs. CAPPS.

H.R. 612: Mr. CHABOT.

H.R. 614: Mr. PAPPAS and Mr. ROYCE.

H.R. 866: Mr. PAPPAS.

H.R. 970: Mrs. BONO.

H.R. 979: Mr. DIAZ-BALART, Mrs. MALONEY of New York, Mr. BRADY of Pennsylvania, Mr. BOSWELL, Mr. GOODLATTE, Mr. MINGE, and Mr. BONILLA.

H.R. 1061: Mr. ACKERMAN.

H.R. 1126: Mr. SCOTT, Mr. BARCIA of Michigan, Mr. PETRI, Mr. FATTAH, Mr. LAMPSON, Mr. SISISKY, Mr. BURTON of Indiana, Mr. SHUSTER, Mr. THOMPSON, Mr. YOUNG of Florida, Mr. COLLINS, and Mr. LAHOOD.

H.R. 1132: Mr. LUTHER.

H.R. 1166: Mr. COSTELLO.

H.R. 1176: Mr. DELAHUNT, Mrs. CAPPS, Ms. LOFGREN, and Mr. ENGEL.

H.R. 1319: Mr. BACHUS and Mr. PAPPAS.

H.R. 1375: Mr. BERRY.

H.R. 1382: Ms. KILPATRICK, Mr. DELAHUNT, Mrs. PRYCE of Ohio, Mr. ROMERO-BARCELÓ, and Mr. KENNEDY of Rhode Island.

H.R. 1401: Mr. BROWN of Ohio.

H.R. 1425: Mr. RUSH.

H.R. 1438: Mr. BLUMENAUER.

H.R. 1450: Mr. MASCARA and Mr. TRAFICANT.

H.R. 1453: Mr. BROWN of California.

H.R. 1592: Mr. OLVER.

H.R. 1608: Mr. CRAMER.

H.R. 1712: Mr. PETRI.

H.R. 1788: Ms. LEE.

H.R. 1883: Mr. KUCINICH.

H.R. 1951: Mr. BENTSEN.

H.R. 2174: Mr. FORD and Mr. MEEKS of New York.

H.R. 2224: Mr. ADAM SMITH of Washington.

H.R. 2454: Ms. KILPATRICK.

H.R. 2457: Ms. KILPATRICK.

H.R. 2504: Mr. MASCARA and Mr. BOEHLERT.

H.R. 2509: Mr. MOLLOHAN and Mr. WEXLER.

H.R. 2524: Mrs. LOWEY.

H.R. 2545: Mr. MARTINEZ.

H.R. 2547: Mr. JACKSON.

H.R. 2549: Ms. MCKINNEY.

H.R. 2667: Mr. BACHUS.

H.R. 2681: Mr. WAXMAN.

H.R. 2693: Mr. CUMMINGS, Ms. CHRISTIAN-GREEN, Mr. MASCARA, and Mr. KILDEE.

H.R. 2695: Ms. LEE.

H.R. 2704: Mr. CUMMINGS and Mr. KILDEE.

H.R. 2708: Mr. CRAMER, Mr. POMEROY, Mr. DAVIS of Florida, Mr. TANNER, Mr. BOEHNER, Mr. SANFORD, Mr. MCINTOSH, Mr. MORAN of Virginia, Mr. FAZIO of California, and Mr. PETERSON of Minnesota.

H.R. 2733: Mr. ALLEN, Mr. FOLEY, Mrs. LINDA SMITH of Washington, Mr. MALONEY of Connecticut, Mr. GOSS, Mr. PARKER, Mr. OBEY, Mr. POMEROY, Mr. PASTOR, Mr. KOLBE, Mr. WEXLER, Mr. SOLOMON, Mr. BATEMAN, and Mr. BERMAN.

H.R. 2748: Mr. THUNE.

H.R. 2754: Mr. BARRETT of Wisconsin and Ms. LEE.

H.R. 2760: Ms. SANCHEZ.

H.R. 2769: Mr. SHERMAN.

H.R. 2868: Mr. COOK.

H.R. 2900: Mr. LANTOS and Mr. KENNEDY of Rhode Island.

H.R. 2908: Mr. GOODLING, Mr. HOLDEN, and Mr. DUNCAN.

H.R. 2912: Ms. CARSON and Mr. HOLDEN.

H.R. 2921: Mr. DEUTSCH.

H.R. 2923: Mr. PALLONE, Mr. PAYNE, Mr. DIXON, Mr. KENNEDY of Rhode Island, and Mr. ADAM SMITH of Washington.

H.R. 2942: Mr. BONILLA and Mr. THOMPSON.

H.R. 2953: Mr. BOEHLERT.

H.R. 2955: Mr. BALDACCI and Mr. LEWIS of Georgia.

H.R. 2982: Mr. FROST, Mr. MARTINEZ, Mr. ROMERO-BARCELÓ, and Mr. ENGEL.

H.R. 2990: Mr. HORN, Mr. GILCHREST, Mr. MCINTOSH, Mr. MCHALE, Mr. BATEMAN, Ms. DELAURO, Mr. PICKERING, Mr. PEASE, and Mr. BONILLA.

H.R. 3043: Mr. DEUTSCH.

H.R. 3048: Mr. STOKES.

H.R. 3081: Mr. RAHALL, Ms. MCCARTHY of Missouri, Mr. DAVIS of Illinois, Mr. MARTINEZ, Mr. SANDLIN, and Mr. DIXON.

H.R. 3086: Mr. MCGOVERN.

H.R. 3131: Mr. HOLSHOF and Mr. CAMPBELL.

H.R. 3134: Mr. FATTAH.

H.R. 3140: Ms. RIVERS.

H.R. 3161: Mr. MCGOVERN and Mr. PORTER.

H.R. 3166: Mr. CALVERT.

H.R. 3181: Ms. NORTON.

H.R. 3215: Mr. PRICE of North Carolina and Mrs. LOWEY.

H.R. 3217: Mr. LIVINGSTON.

H.R. 3240: Ms. KILPATRICK and Mr. WYNN.

H.R. 3249: Mrs. LOWEY.

H.R. 3259: Mr. TORRES, Mr. LAMPSON, Ms. CARSON, and Mr. BLUMENAUER.

H.R. 3262: Mr. BONIOR.

H.R. 3300: Ms. KILPATRICK.

H.R. 3435: Ms. MCKINNEY and Mr. ROEMER.

H.R. 3503: Ms. STABENOW, Mr. MOLLOHAN, and Mr. BISHOP.

H.R. 3514: Ms. MCCARTHY of Missouri, Ms. MILLENDER-MCDONALD, Ms. KAPTUR, Ms. COSTELLO, Mrs. CAPPS, Mr. QUINN, and Ms. RIVERS.

H.R. 3523: Mr. RADANOVICH, Mrs. CUBIN, Mr. HILLEARY, and Mr. PICKETT.

H.R. 3531: Ms. LEE.

H.R. 3553: Mr. HASTINGS of Florida, Ms. BROWN of Florida, Mr. HINCHEY, and Mr. RUSH.

H.R. 3561: Mr. BLAGOJEVICH.

H.R. 3563: Mrs. MALONEY of New York.

H.R. 3567: Mr. BOUCHER, Mr. RILEY, Mr. SAWYER, Mr. PASCRELL, Mr. FRANK of Massachusetts, Mr. MCCOLLUM, Mr. PAYNE, Ms. NORTON, and Mr. CAMP.

H.R. 3570: Mrs. LOWEY, Mr. MARTINEZ, and Mr. KENNEDY of Rhode Island.

H.R. 3583: Mr. SOLOMON.

H.R. 3624: Ms. ROYBAL-ALLARD and Mr. DAVIS of Illinois.

H.R. 3636: Ms. SLAUGHTER, Mr. THOMPSON, Mr. COYNE, Ms. LEE, Mr. DAVIS of Illinois, Mr. GEJDENSON, Mr. HORN, Mrs. CAPPS, Mrs. MALONEY of New York, Mr. SHERMAN, Ms. BROWN of Florida, Mrs. KELLY, Mr. WOLF, Mr. WATT of North Carolina, Mr. HINCHEY, Mr. DICKS, Mr. ENGEL, and Mr. UNDERWOOD.

H.R. 3637: Mr. MARTINEZ.

H.R. 3648: Mr. BUNNING of Kentucky.

H.R. 3651: Ms. CARSON and Mr. PAYNE.

H.R. 3659: Mr. GOODLING, Mr. DICKEY, and Mr. BOEHLERT.

H.R. 3684: Mr. OXLEY and Mr. CAMP.

H.R. 3698: Ms. WOOLSEY.

H.R. 3724: Mr. VISCLOSKY.

H.R. 3731: Mr. HOBSON, Ms. WILSON, Mr. PARKER, Mr. TAYLOR of Mississippi, Mr. BARCIA of Michigan, Mr. GOSS, Mr. ROHRABACHER, Ms. RIVERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BRADY of Texas, Mr. BARTLETT of Maryland, Mr. EHLERS, Mr. FOLEY, Mr. DAVIS of Virginia, Mr. SAXTON, Mr. LEWIS of California, Mr. TANNER, Mrs. MORELLA, Mr. SERRANO, Mr. HAYWORTH, Mr. WALSH, Mrs. MEEK of Florida, Mr. ETHERIDGE, Mr. MANTON, and Mr. COOK.

H.R. 3767: Mr. SANFORD.

H.R. 3790: Mr. GINGRICH, Mr. GEPHARDT, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BALDACCI, Mr. BISHOP, Mr. BLILEY, Mr. BOUCHER, Mr. CAMPBELL, Mr. COOK, Mr. CONDIT, Mr. CONYERS, Mr. DELAHUNT, Mr. DICKS, Mr. DOOLITTLE, Mr. DREIER, Mr. EHLERS, Mr. FAZIO of California, Mr. FOLEY, Mr. FORD, Mr. FRANK of Massachusetts, Mr. FRELINGHUYSEN, Mr. FROST, Mr. GEJDENSON, Ms. GRANGER, Mr. GREENWOOD, Mr. GUTIERREZ, Mr. HALL of Ohio, Mr. HINCHEY, Mr. HORN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of Rhode Island, Mrs. KENNELLY of Connecticut, Ms. KILPATRICK, Mr. LATOURETTE, Mr. LANTOS, Ms. LEE, Ms. LOFGREN, Mr. MCGOVERN, Mr. MCINNIS, Mrs. MALONEY of New York, Mr. MALONEY of Connecticut, Mr. MANZULLO, Mr. MARKEY, Mrs. MEEK of Florida, Mr. MICA, Ms. MILLENDER-MCDONALD, Mrs. MYRICK, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. NEY, Mr. OWENS, Mr. PAPPAS, Mr. PAYNE, Mr. REDMOND, Mr. REGULA, Mr. ROMERO-BARCELO, Mr. SABO, Ms. SANCHEZ, Mr. SCHUMER, Mr. SHIMKUS, Mr. SISISKY, Mr. ADAM SMITH of Washington, Mr. SNYDER, Mr. STEARNS, Mr. TRAFICANT, Mr. WAMP, Mr. WATTS of Oklahoma, Mr. WAXMAN, and Mr. WOLF.

H.R. 3792: Mr. PAPPAS.

H.R. 3802: Ms. KILPATRICK and Mr. HINCHEY.

H.R. 3810: Mrs. ROUKEMA.

H.R. 3815: Mr. RANGEL, Ms. SLAUGHTER, and Mr. CUNNINGHAM.

H.R. 3820: Mr. MARTINEZ.

H.R. 3821: Mr. CAMP, Mr. EWING, Mr. FOX of Pennsylvania, Mr. BISHOP, Mr. FRANKS of New Jersey, Mr. TIAHRT, Mr. LEWIS of Kentucky, and Mr. SCARBOROUGH.

H.R. 3837: Mr. MCGOVERN, Ms. PELOSI, and Mr. KENNEDY of Rhode Island.

H.R. 3844: Mr. UPTON.

H.R. 3855: Mr. KLECZKA, Ms. DUNN of Washington, Mr. DEAL of Georgia, Mr. RUSH, Mrs. MEEK of Florida, Mr. MEEHAN, Mr. COSTELLO, Mr. JACKSON, Mr. MCGOVERN, Mr. SKELTON, and Mr. LANTOS.

H.R. 3862: Mr. BROWN of Ohio, Mr. BENTSEN, and Mr. BACHUS.

H.R. 3877: Mr. NEAL of Massachusetts, Mr. OLVER, and Mr. MARKEY.

H.R. 3879: Mr. HILLEARY, Mr. BURTON of Indiana, Mr. PACKARD, Mr. MARTINEZ, Mr. DOOLITTLE, Mr. SNOWBARGER, Mr. WICKER, Mr. FORBES, Mr. SANDLIN, Mr. GORDON, Mr. FRANKS of New Jersey, Mr. PEASE, Mr. RILEY, Mr. KLINK, Mr. DUNCAN, Mr. COBLE, Mr. CHABOT, and Mr. ENSIGN.

H.R. 3898: Mr. SNOWBARGER.

H.R. 3904: Mr. BARRETT of Nebraska, Mr. LIVINGSTON, and Mrs. NORTHUP.

H.R. 3912: Ms. RIVERS, Mr. BURTON of Indiana, Mr. STEARNS, Mr. ENSIGN, Mr. SESSIONS, Mr. CUNNINGHAM, and Mrs. MYRICK.

H.R. 3948: Mr. MALONEY of Connecticut and Ms. CARSON.

H.R. 3949: Mr. MCCRERY, Mr. HASTINGS of Washington, Mr. SAM JOHNSON, Mr. SKEEN, Mr. PEASE, Mr. HALL of Texas, Mr. ENSIGN, Mr. METCALF, Mr. MCINTOSH, Mr. CRAPO, Mr. MASCARA, Mr. THORNBERRY, Mr. THUNE, Mr. CLEMENT, and Mr. PICKETT.

H.R. 3956: Mr. OLVER.

H.R. 3980: Mr. ROMERO-BARCELO, Mr. GIBBONS, Ms. SLAUGHTER, Mr. COOK, Mr. BROWN of Ohio, Mr. FOX of Pennsylvania, Mr. REDMOND, Mr. BISHOP, Mr. PICKERING, Mr. BONIOR, Mr. THOMPSON, Mr. LAHOOD, Mr. PASCRELL, Mr. OLVER, Mr. MORAN of Kansas, and Mr. MEEHAN.

H.R. 3988: Mr. MCDERMOTT, Mr. WAXMAN, and Mr. FROST.

H.R. 3991: Mrs. KENNELLY of Connecticut, Mrs. JOHNSON of Connecticut, Mr. CHRISTENSEN, and Ms. JACKSON-LEE.

H.R. 4006: Mr. CANNON, Mr. MANZULLO, Mr. GOODLING, Mr. KIM, Mr. CRANE, Mr. NETHERCUTT, Mr. BRYANT, Mr. HASTINGS of Washington, Mr. BARCIA of Michigan, and Mr. CANADY of Florida.

H.R. 4007: Mr. FORBES, Mrs. CLAYTON, Ms. SLAUGHTER, Ms. LEE, Mr. WATTS of Oklahoma, Mr. HINCHEY, Mr. SANDLIN, Mr. ENGEL, and Mr. RUSH.

H.R. 4009: Mr. LAFALCE, Mr. STRICKLAND, Mr. WEXLER, and Mr. UNDERWOOD.

H.R. 4018: Mr. MILLER of California.

H.R. 4019: Mr. DELAHUNT, Mr. SCHUMER, Mr. STUMP, Ms. RIVERS, Mr. HERGER, and Mr. DOOLITTLE.

H.R. 4035: Mr. TIERNEY, Mr. FILNER, Mr. HALL of Ohio, Ms. DANNER, Mrs. MORELLA, Mr. GUTIERREZ, Mr. ETHERIDGE, Mr. MEEKS of New York, Mr. STUPAK, Mr. OXLEY, Mr. TRAFICANT, Mr. ROMERO-BARCELO, Mr. MEEHAN, Mr. BISHOP, Mr. NORWOOD, Mr. SESSIONS, Mr. REDMOND, Mrs. MEEK of Florida, Mr. NEAL of Massachusetts, Mr. BLUMENAUER, Mr. HINCHEY, Mr. ABERCROMBIE, and Mr. KENNEDY of Rhode Island.

H.R. 4036: Mr. TIERNEY, Mr. FILNER, Mr. HALL of Ohio, Ms. DANNER, Mrs. MORELLA, Mr. GUTIERREZ, Mr. ETHERIDGE, Mr. KLECZKA, Mr. MEEKS of New York, Mr. STUPAK, Mr. MALONEY of Connecticut, Mr. BOSWELL, Mr. OXLEY, Mr. TRAFICANT, Mr. ROMERO-BARCELO, Mr. MEEHAN, Mr. BISHOP, Mr. NORWOOD, Mrs. MEEK of Florida, Mr. NEAL of Massachusetts, Mr. BLUMENAUER, Mr. HINCHEY, Mr. KENNEDY of Rhode Island, and Mr. BROWN of Ohio.

H.R. 4039: Mr. NETHERCUTT.

H.R. 4049: Mr. GOODLATTE.

H.R. 4062: Mr. LAFALCE.

H.R. 4070: Mr. BROWN of Ohio, Mr. GORDON, Mr. FILNER, Mr. KENNEDY of Rhode Island, and Mr. FROST.

H.R. 4071: Mr. REDMOND, Mr. HINOJOSA, and Mr. BLUNT.

H.R. 4073: Mr. HINOJOSA, Mr. JEFFERSON, Mr. BLAGOJEVICH, Mr. ANDREWS, Mr. SERRANO, Mr. FARR of California, Mr. BROWN of California, Mr. LANTOS, Ms. ROYBAL-ALLARD, Mr. FILNER, and Mr. TORRES.

H.R. 4092: Mr. LANTOS and Ms. JACKSON-LEE.

H.R. 4096: Mr. GOODLATTE and Mr. ROYCE.

H.R. 4121: Mrs. BONO, Ms. SLAUGHTER, Mr. MOLLOHAN, Mr. DAVIS of Virginia, Mrs. CLAYTON, Mr. PASCRELL, and Mr. HOYER.

H.R. 4125: Ms. PRYCE of Ohio, Mr. DOOLITTLE, Mr. LEACH, Mr. CHAMBLISS, Mr. MILLER of Florida, Mr. COX of California, and Mr. SHUSTER.

H.R. 4134: Ms. LOFGREN, Mr. BRADY of Pennsylvania, and Mr. FROST.

H.R. 4136: Mr. HOSTETTLER and Mr. STRICKLAND.

H.R. 4157: Mr. WATTS of Oklahoma.

H.R. 4164: Mr. ANDREWS.

H.R. 4188: Mr. WATTS of Oklahoma, Mrs. KELLY, Mr. HALL of Ohio, and Mr. CRAPO.

H.J. Res. 47: Mr. LAFALCE.

H.J. Res. 66: Mr. MARTINEZ and Mr. DOOLEY of California.

H.J. Res. 123: Mr. HILLIARD, Mr. THOMPSON, Mr. MALONEY of Connecticut, Mr. MCGOVERN, Mr. SNOWBARGER, Mr. STEARNS, Mr. BURTON of Indiana, Mr. DOOLEY of California, Mr. KNOLLENBERG, Mrs. EMERSON, Mr. FAZIO of

California, Mr. BONILLA, Ms. CARSON, Mr. WICKER, Mr. LAMPSON, Mr. PICKERING, Mr. ADERHOLT, Mr. ISTOOK, and Mr. SMITH of New Jersey.

H.J. Res. 125: Mr. COX of California.

H. Con. Res. 188: Mr. SAXTON and Mr. BROWN of Ohio.

H. Con. Res. 203: Mr. TORRES, Mr. SOUDER, Mr. HUTCHINSON, and Mr. LEWIS of Georgia.

H. Con. Res. 210: Mr. SANDLIN, Mr. HALL of Texas, and Mr. WISE.

H. Con. Res. 239: Ms. JACKSON-LEE, Mr. UNDERWOOD, and Mr. ROMERO-BARCELO.

H. Con. Res. 254: Mr. DUNCAN.

H. Con. Res. 258: Mr. MCNULTY, Mr. PRICE of North Carolina, Mr. MCDERMOTT, Ms. NORTON, Ms. MCKINNEY, Mr. HINCHEY, and Mr. UNDERWOOD.

H. Con. Res. 287: Mr. BLUMENAUER.

H. Con. Res. 290: Mr. SHIMKUS, Mr. LEWIS of Kentucky, Mr. HUNTER, Mr. HASTINGS of Washington, Mr. PASTOR, Mr. BLUNT, Mr. SOLOMON, and Mr. CRAMER.

H. Con. Res. 292: Mr. BERMAN.

H. Res. 313: Ms. CARSON, Mrs. CLAYTON, and Ms. KILPATRICK.

H. Res. 460: Mr. HAYWORTH, Mr. BARR of Georgia, Mr. ROMERO-BARCELO, Mr. CALVERT, Mrs. CLAYTON, Mr. HUNTER, Mr. ALLEN, Mr. BROWN of Ohio, Ms. DANNER, Mr. PACKARD, Mr. WAXMAN, Ms. NORTON, Mr. SISISKY, Mr. BONIOR, and Mr. STUPAK.

H. Res. 475: Mr. MILLER of California, Mr. MARKEY, Ms. MCCARTHY of Missouri, Ms. RIVERS, Mrs. MALONEY of New York, Ms. FURSE, Mr. SPENCE, Mr. ROHRABACHER, Mr. QUINN, Mr. GOSS, Mr. BROWN of Ohio, Ms. CARSON, Mr. GREEN, and Ms. JACKSON-LEE.

H. Res. 494: Mr. REYES, Ms. BROWN of Florida, Mr. DOOLITTLE, and Mr. RUSH.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

66. The SPEAKER presented a petition of the Town Council of Buzzards Bay, Massachusetts, relative to the Town of Bourne determines that the U.S. Government has damaged the Town of Bourne because of: (a) the contamination of the Campbell School: (b) its unconscionable failure to pay the Town in excess of $10,000,000.00 in reimbursement for the education of the children of the military personnel stationed at the Mass Military Reservation in Bourne who's education was paid by the Town of Bourne; and (c) by the contamination of the water serving our school on the Mass military Reservation; which was referred to the Committee on National Security.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3267

OFFERED BY: MR. MILLER OF CALIFORNIA

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sonny Bono Memorial Salton Sea Restoration Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Salton Sea, located in Imperial and Riverside Counties, California, is an economic and environmental resource of national importance.

(2) The Salton Sea is a critical component of the Pacific flyway. However, the concentration of pollutants in the Salton Sea has contributed to recent die-offs of migratory waterfowl.

(3) The Salton Sea is critical as a reservoir for irrigation, municipal, and stormwater drainage.

(4) The Salton Sea provides benefits to surrounding communities and nearby irrigation and municipal water users.

(5) Restoring the Salton Sea will provide national and international benefits.

SEC. 3. DEFINITIONS.

In this Act:

(1) The term "Study" means the Salton Sea study authorized by section 4.

(2) The term "Salton Sea Authority" means the Joint Powers Authority by that name established under the laws of the State of California by a Joint Power Agreement signed on June 2, 1993.

(3) The term "Secretary" means the Secretary of the Interior, acting through the Bureau of Reclamation.

SEC. 4. SALTON SEA RESTORATION STUDY AUTHORIZATION.

(a) IN GENERAL.—The Secretary, in accordance with this section, shall undertake a study of the feasibility of various alternatives for restoring the Salton Sea, California. The purpose of the Study shall be to select 1 or more practicable and cost-effective options for decreasing salinity and otherwise improving water quality and to develop a restoration plan that would implement the selected options. The Study shall be coordinated with preparation of an environmental impact statement pursuant to the National Environmental Policy Act of 1969 evaluating alternatives for restoration of the Salton Sea. The Study shall be conducted in accordance with the memorandum of understanding under subsection (g).

(b) STUDY GOALS.—The Study shall explore alternatives to achieve the following objectives:

(1) Reducing and stabilizing the overall salinity, and otherwise improving the water quality of the Salton Sea.

(2) Stabilizing the surface elevation of the Salton Sea.

(3) Reclaiming, in the long term, healthy fish and wildlife resources and their habitats.

(4) Enhancing the potential for recreational uses and economic development of the Salton Sea.

(5) Ensuring the continued use of the Salton Sea as a reservoir for irrigation drainage.

(c) OPTIONS TO BE CONSIDERED.—

(1) IN GENERAL.—Options considered in the Study shall include each of the following and any appropriate combination thereof:

(A) Use of impoundments to segregate a portion of the waters of the Salton Sea in 1 or more evaporation ponds located in the Salton Sea basin.

(B) Pumping water out of the Salton Sea.

(C) Augmented flows of water into the Salton Sea.

(D) Improving the quality of wastewater discharges from Mexico and from other water users in the Salton Sea basin.

(E) Water transfers or exchanges in the Colorado River basin.

(F) Any other feasible restoration options.

(2) LIMITATION TO PROVEN TECHNOLOGIES.—Options considered in the Study shall be limited to proven technologies.

(d) FACTORS TO BE CONSIDERED.—

(1) SCIENCE SUBCOMMITTEE FINDINGS AND REPORTS.—In evaluating the feasibility of options considered in the Study, the Secretary shall carefully consider all available findings and reports of the Science Subcommittee established pursuant to section 5(c)(2) and incorporate such findings into the project design alternatives, to the extent feasible.

(2) OTHER FACTORS TO BE CONSIDERED.—The Secretary shall also consider—

(A) the ability of Federal, tribal, State, and local government sources and private sources to fund capital construction costs and annual operation, maintenance, energy, and replacement costs;

(B) how and where to dispose permanently of water pumped out of the Salton Sea;

(C) the availability of necessary minimum inflows to the Salton Sea from current sources, including irrigation drainage water; and

(D) the potential impact of Salton Sea restoration efforts on the rights of other water users in the Colorado River Basin and on California's Colorado River water entitlement pursuant to the Colorado River Compact and other laws governing water use in the Colorado River Basin.

(e) INTERIM REPORT.—

(1) SUBMISSION.—Not later than 9 months after the Secretary first receives appropriations for programs and actions authorized by this title, the Secretary shall submit to the Congress an interim progress report on restoration of the Salton Sea. The report shall—

(A) identify alternatives being considered for restoration of the Salton Sea;

(B) describe the status of environmental compliance activities;

(C) describe the status of cost-sharing negotiations with State of California and local agencies;

(D) describe the status of negotiations with the Government of Mexico, if required; and

(E) report on the progress of New River and Alamo River research and demonstration authorized by this Act.

(2) CONGRESSIONAL ACTION.—Upon receipt of the interim report from the Secretary, the appropriate committees of the House of Representatives and the Senate shall promptly schedule and conduct oversight hearings to review implementation of the Salton Sea restoration plan included in the report under subsection (f), and to identify additional authorizations that may be required to effectuate plans and studies relating to the restoration of the Salton Sea.

(f) REPORT TO CONGRESS.—Not later than 18 months after commencement of the Study, the Secretary shall submit to the Congress a report on the findings and recommendations of the Study. The report shall include the following:

(1) A summary of options considered for restoring the Salton Sea.

(2) A recommendation of a preferred option for restoring the Salton Sea.

(3) A plan to implement the preferred option selected under paragraph (2).

(4) A recommendation for cost-sharing to implement the plan developed under paragraph (3). The cost-sharing recommendation may apply a different cost-sharing formula to capital construction costs than is applied to annual operation, maintenance, energy, and replacement costs.

(5) A draft of recommended legislation to authorize construction of the preferred option selected under paragraph (2).

(g) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—The Secretary shall carry out the Study in accordance with a memorandum of understanding entered into by the Secretary, the Salton Sea Authority, and the Governor of California.

(2) OPTION EVALUATION CRITERIA.—The memorandum of understanding shall, at a minimum, establish criteria for evaluation and selection of options under subsection (a), including criteria for determining the magnitude and practicability of costs of construction, operation, and maintenance of each option evaluated.

(h) RELATIONSHIP TO OTHER LAWS.—

(1) RECLAMATION LAWS.—Activities authorized by this section shall not be subject to the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 391 et seq.) and other laws amendatory thereof or supplemental thereto. Amounts expended for those activities shall be considered nonreimbursable and nonreturnable for purposes of those laws.

(2) LAW OF THE COLORADO RIVER.—This section shall not be considered to supersede or otherwise affect any treaty, law, or agreement governing use of water from the Colorado River. All activities to carry out the Study under this section must be carried out in a manner consistent with rights and obligation of persons under those treaties, laws, and agreements.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $30,000,000 to carry out the activities authorized in this section.

SEC. 5. CONCURRENT WILDLIFE RESOURCES STUDIES.

(a) IN GENERAL.—Concurrently with the Study under section 4, the Secretary shall provide for the conduct of studies of hydrology, wildlife pathology, and toxicology relating to wildlife resources of the Salton Sea by Federal and non-Federal entities.

(b) SELECTION OF TOPICS AND MANAGEMENT OF STUDIES.—

(1) IN GENERAL.—The Secretary shall establish a committee to be known as the Salton Sea Research Management Committee. The Committee shall select the topics of studies under this section and manage those studies.

(2) MEMBERSHIP.—The Committee shall consist of 5 members appointed as follows:

(A) 1 by the Secretary.

(B) 1 by the Governor of California.

(C) 1 by the Torres Martinez Desert Cahuilla Tribal Government.

(D) 1 by the Salton Sea Authority.

(E) 1 by the Director of the California Water Resources Center.

(c) COORDINATION.—

(1) IN GENERAL.—The Secretary shall require that studies conducted under this section are conducted in coordination with appropriate international bodies, Federal agencies, and California State agencies, including, but not limited to, the International Boundary and Water Commission, the United States Fish and Wildlife Service, the United States Environmental Protection Agency, the California Department of Water Resources, the California Department of Fish and Game, the California Resources Agency, the California Environmental Protection Agency, the California Regional Water Quality Board, and California State Parks.

(2) SCIENCE SUBCOMMITTEE.—The Secretary shall require that studies conducted under this section are coordinated through a Science Subcommittee that reports to the Salton Sea Research Management Committee. In addition to the membership provided for by the Science Subcommittee's charter, representatives shall be invited from the University of California, Riverside, the University of Redlands, San Diego State University, the Imperial Valley College, and Los Alamos National Laboratory.

(d) PEER REVIEW.—The Secretary shall require that studies under this section are subjected to peer review.

(e) AUTHORIZATION OF APPROPRIATIONS.—For wildlife resources studies under this section there are authorized to be appropriated to the Secretary $5,000,000.

SEC. 6. SALTON SEA NATIONAL WILDLIFE REFUGE RENAMED AS SONNY BONO SALTON SEA NATIONAL WILDLIFE REFUGE.

(a) REFUGE RENAMED.—The Salton Sea National Wildlife Refuge, located in Imperial County, California, is hereby renamed and shall be known as the Sonny Bono Salton Sea National Wildlife Refuge.

(b) REFERENCES.—Any reference in any statute, rule, regulation, Executive order, publication, map, or paper or other document of the United States to the Salton Sea National Wildlife Refuge is deemed to refer to the Sonny Bono Salton Sea National Wildlife Refuge.

SEC. 7. ALAMO RIVER AND NEW RIVER.

(a) RESEARCH AND DEMONSTRATION PROJECTS.—The Secretary shall promptly conduct research and construct wetlands filtration or construct wetlands demonstration projects to improve water quality in the Alamo River and New River, Imperial County, California. The Secretary may acquire equipment, real property, and interests in real property (including site access) as needed to implement actions authorized by this section.

(b) MONITORING AND OTHER ACTIONS.—The Secretary shall establish a long-term monitoring program to maximize the effectiveness of any demonstration project authorized by this section.

(c) COOPERATION.—The Secretary shall implement subsections (a) and (b) in cooperation with the Desert Wildlife Unlimited, the Imperial Irrigation District, the State of California, and other interested persons.

(d) AUTHORIZATION OF APPROPRIATIONS.—For research and demonstration projects authorized in this section, there are authorized to be appropriated to the Secretary $3,000,000.

SEC. 8. EMERGENCY ACTION.

If, during the conduct of the studies authorized by this Act, the Secretary determines that environmental conditions at the Salton Sea warrant immediate and emergency action, the Secretary shall immediately submit a report to Congress documenting such conditions and making recommendations for their correction.

H.R. 4104

OFFERED BY: MRS. NORTHUP

AMENDMENT NO. 12: Strike subsection (c) of section 407 of title 39, United States Code, as proposed to be amended by section 646 (a) (relating to international postal arrangements), and insert the following:

"(c) The Postal Service may—

"(1) enter into such commercial and operational contracts relating to international postal services as it considers necessary, except that the Postal Service may not enter into any contract with an agency of a foreign government (whether under authority of this paragraph or otherwise) if it would grant an undue or unreasonable preference to the Postal Service with respect to any class of mail or type of mail service; and

"(2) with the consent of the President, establish the rates of postage or other charges on mail matter conveyed between the United States and other countries.".

H.R. 4104

OFFERED BY: MR. SANDERS

AMENDMENT NO. 13: Page 58, line 1, after the dollar amount, insert the following: "(reduced by $2,000,000) (increased by $2,000,000)".

H.R. 4104

OFFERED BY: MR. SANDERS

AMENDMENT NO. 14: Page 58, line 1, after the dollar amount, insert the following: ", of which $2,000,000 shall be for the management of veterans records".

H.R. 4104

OFFERED BY: MR. SANDERS

AMENDMENT NO. 15: Page 58, line 1, after the dollar amount, insert the following: ", of which $6,000,000 shall be for the management of veterans records".

H.R. 4104

OFFERED BY: MR. SANDERS

AMENDMENT NO. 16: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 648. None of the funds made available in this Act may be used to make any loan or credit in excess of $250,000,000 to a foreign entity or government of a foreign country through the exchange stabilization fund under section 5302 of title 31, United States Code.

H.R. 4104

OFFERED BY: MR. SANDERS

AMENDMENT NO. 17: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 648. None of the funds made available in this Act may be used to make any loan or credit to a foreign entity or government of a foreign country through the exchange stabilization fund under section 5302 of title 31, United States Code.

H.R. 4193

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 1: At the end of the bill before the short title insert the following:

SEC. 336. The Secretary of Energy, acting through the Assistant Secretary for Energy Efficiency and Renewable Energy, and the Secretary of Agriculture, acting through the Chief of the Forest Service, shall coordinate their endeavors to improve energy efficiency, reduce air pollution and decrease excessive summer heat using innovative forestry and energy conservation techniques in urban communities by—

(1) developing a comprehensive action plan that will detail how the programs under their administration can be integrated in urban communities to achieve common goals;

(2) actively pursuing opportunities to coordinate program functions in urban communities;

(3) targeting specific urban communities where energy efficiency and forestry programs can be integrated effectively; and

(4) working with State and local governmental entities, private sector partners, and not-for-profit organizations.

The Secretaries shall jointly submit reports to Congress biannually describing the progress made to achieve the goals of this section.

H.R. 4194

OFFERED BY: MR. BEREUTER

AMENDMENT NO. 1: Page 91, after line 3, insert the following:

SEC. 425. The aggregate amount otherwise appropriated in this Act for the functions of the Office of the Administrator of the Environmental Protection Agency is hereby reduced by $15,000,000.

H.R. 4194

OFFERED BY: MR. BEREUTER

AMENDMENT NO. 2: Page 91, after line 3, insert the following:

SEC. 425. (a) TEMPORARY PROHIBITION ON IMPLEMENTATION OR ENFORCEMENT OF PUBLIC WATER SYSTEM TREATMENT REQUIREMENTS FOR COPPER ACTION LEVEL.—None of the funds made available by this or any other Act for any fiscal year may be used by the Administrator of the Environmental Protection Agency to implement or enforce the national primary drinking water regulations for lead and copper in drinking water promulgated under the Safe Drinking Water Act (42 U.S.C. 300f et seq.), to the extent that the regulations pertain to the public water system treatment requirements related to the copper action level, until—

(1) the Administrator and the Director of the Centers for Disease Control and Prevention jointly conduct a study to establish a reliable dose-response relationship for the adverse human health effects that may result from exposure to copper in drinking water, that—

(A) includes an analysis of the health effects that may be experienced by groups within the general population (including infants) that are potentially at greater risk of adverse health effects as the result of the exposure;

(B) is conducted in consultation with interested States;

(C) is based on the best available science and supporting studies that are subject to peer review and conducted in accordance with sound and objective scientific practices; and

(D) is completed not later than 30 months after the date of enactment of this Act; and

(2) based on the results of the study and, once peer reviewed and published, the 2 studies of copper in drinking water conducted by the Centers for Disease Control and Prevention in the State of Nebraska and the State of Delaware, the Administrator establishes an action level for the presence of copper in drinking water that protects the public health against reasonably expected adverse effects due to exposure to copper in drinking water.

(b) CURRENT REQUIREMENTS.—Nothing in this section precludes a State from implementing or enforcing the national primary drinking water regulations for lead and copper in drinking water promulgated under the Safe Drinking Water Act (42 U.S.C. 300f et seq.) that are in effect on the date of enactment of this Act, to the extent that the regulations pertain to the public water system treatment requirements related to the copper action level.

H.R. 4194

OFFERED BY: MR. BEREUTER

AMENDMENT NO. 3: Page 91, after line 3, insert the following:

SEC. 425. No part of any funds made available by this Act may be used to pay salaries and expenses of any officer or employee of the Environmental Protection Agency to promulgate or implement any rule under the Safe Drinking Water Act requiring public water systems to use disinfection for those public water systems which rely on ground water. Nothing in the preceding sentence shall be construed to prohibit the Environmental Protection Agency, or any officer or employee of the Agency, from conducting studies and investigations regarding the use of disinfection in public water systems relying on ground water or regarding any alternatives to the use of disinfection in such systems for purposes of meeting national primary drinking water regulations.

H.R. 4194

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 4: At the end of title I (page 17, after line 12), insert the following:

SEC. 110. (a) EXTENSION OF VETERANS SEXUAL TRAUMA COUNSELING AND TREATMENT PROGRAM.—Section 1720D of title 38, United States Code, is amended in subsections (a)(1) and (a)(3) by striking out "December 31, 1998," and inserting in lieu thereof "December 31, 2002,".

(b) PERSONS ELIGIBLE FOR SEXUAL TRAUMA COUNSELING AND TREATMENT.—Such section is further amended by adding at the end the following new subsection:

"(e)(1) A veteran shall be eligible for counseling and treatment under this section without regard to the provisions of section 5303A of this title.

"(2) An individual who is a member of a reserve component shall be eligible for counseling and treatment under this section in the same manner as a veteran and without regard to the provisions of section 5303A of this title.

"(3) An individual who is a former member of a reserve component (but who is not a veteran within the meaning of section 101 of this title) and who was discharged or released from service as a member of a reserve component under conditions other than dishonorable shall be eligible for counseling and treatment under this section in the same manner as a veteran and without regard to the provisions of section 5303A of this title.

"(4) The Secretary shall ensure that information about the counseling and treatment available to individuals under this subsection—

"(A) is made available and visibly posted at each facility of the Department; and

H.R. 4194

OFFERED BY: MR. ROEMER

AMENDMENT NO. 5: Page 72, line 15, strike "$5,309,000,000" and insert "$3,709,000,000".

H.R. 4194

OFFERED BY: MR. SANFORD

AMENDMENT NO. 6: page 76, line 24 strike "2,745,000,000" and insert "2,545,700,000."

H.R. 4194

OFFERED BY: MR. TIAHRT

AMENDMENT NO. 7: Page 8, line 15, before the period at the end, insert the following:

: *Provided*, That, of the funds made available under this heading, $12,500,000 shall be for medical research relating to the Gulf War illnesses afflicting veterans of the Persian Gulf War

H.R. 4194

OFFERED BY: MR. TIAHRT

AMENDMENT NO. 8: Page 8, line 15, before the period at the end, insert the following:

: *Provided*, That, of the funds made available under this heading, $25,000,000 shall be for medical research relating to the Gulf War illnesses afflicting veterans of the Persian Gulf War

H.R. 4194

OFFERED BY: MR. VENTO

AMENDMENT NO. 9: Page 52, after line 2, insert the following new section:

LOW-INCOME HOUSING PRESERVATION AND RESIDENT HOMEOWNERSHIP

SEC. 210. (a) NOTICE OF PREPAYMENT OR TERMINATION.—Notwithstanding section 212(b) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4102(b)) or any other provision of law, during fiscal year 1999 and each fiscal year thereafter, an owner of eligible low-income housing (as defined in section 229 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4119)) that intends to take any action described in section 212(a) of such Act (12 U.S.C. 4102(a)) shall, not less than 1 year before the date on which the action is taken—

(1) file a notice indicating that intent with the chief executive officer of the appropriate State or local government for the jurisdiction within which the housing is located; and

(2) provide each tenant of the housing with a copy of that notice.

(b) EXCEPTION.—The requirements of this section do not apply—

(1) in any case in which the prepayment or termination at issue is necessary to effect conversion to ownership by a priority purchaser (as defined in section 231(a) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4120(a)); or

(2) in the case of any owner who has provided notice of an intended prepayment or termination on or before July 7, 1998, in accordance with the requirements of section 212(b) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4102(b)).

H.R. 4194

OFFERED BY: MR. VENTO

AMENDMENT NO. 10: Page 70, line 19, after the dollar amount insert the following: "(increased by $30,000,000)".

Page 72, line 15, after the dollar amount insert the following: "(reduced by $43,500,000)".

H.R. 4194

OFFERED BY: MR. VENTO

AMENDMENT NO. 11: Page 70, line 19, after the dollar amount insert the following: "(increased by $30,000,000)".

Page 76, line 24, after the dollar amount insert the following: "(reduced by $107,400,000)".

EXTENSIONS OF REMARKS

FAST-TRACK AUTHORITY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. TRAFICANT. Mr. Speaker, Article I, Section 8 of the Constitution of the United States of America states: "Congress has the power to lay and collect . . . Duties and to regulate Commerce with foreign Nations." Article II, Section 2 of the Constitution of the United States of America states: "Treaties with foreign governments shall be confirmed by a two-thirds majority of the Senate." However, over time, Congress has given away its Constitutional authority and responsibilities to the Executive Branch.

Take fast-track authority, for example. Fast-track proponents claim that this legislative authority is needed to expedite the negotiating process as well as consideration of the implementing legislation through the establishment of deadlines for various legislative stages, a prohibition on amendments, a limit on debate, and a requirement for an up-or-down vote. There are several myths and untruths associated with this argument, however.

The big myth is that the President needs fast track to negotiate trade agreements. The President already has the Constitutional power to conduct foreign affairs and negotiate international trade agreements. However, because Congress must approve any changes to U.S. law that result from trade agreements, fast track proponents purport that fast track is needed to strengthen the President's stance during trade negotiations and expedite consideration of the implementing legislation. The truth is, the President needs fast track so he can ignore the opinions of the vast majority of Members of Congress.

Fast-track authority, in theory, protects Congress from the delegation of Constitutional authority through the notifications and consultations the President must provide to Congress prior to, and during, trade negotiations. In practice, however, Congress has handed over its Constitutional powers on a silver platter. The President has ignored the directives of large minorities in Congress regarding environmental protection, labor standards and American jobs, then bought the votes of a few with personal promises to gain the simple majority needed for passage.

The fact is, the archetype fast-track legislative authority was designed to give the President additional authority to negotiate customs classifications only. Experience has shown item-by-item consideration of the tariff schedule by Congress to be an arduous process, so the President was granted the ability to negotiate the small points. The bottom line is, the original fast-track was never intended to grant the President the broad authority over a vast array of non-tariff issues he enjoys today.

Another myth claims that fast-track process is needed not only to negotiate, but to simply get the trade agreement through the legislative process. Converse to popular thought, however, the fast-track procedure has rarely been implemented. Over 200 trade agreements have been enacted without fast track authority while only five trade agreements have been enacted under this procedure.

Clearly, fast-track authority has digressed from the original intentions of Congress. The President now has broad authority, while Members' hands are tied. Consultations are with a privileged few and merely a formality for the body as a whole. I have introduced legislation to authenticate fast-track legislative authority.

The Trade Act of 1974 recognizes the fast track mechanism as an "exercise of the rulemaking power of the House . . ." and maintains the "constitutional right of either House to change its rules at any time, in the same manner and to the same extent as any other rule of the House." In other words, the House may change its rules as it sees fit. The erosion of fast-track legislative intent is more than enough reason for the House to change its rules.

The legislation, H. Res. 497, amends the rules of the House to require a two-thirds majority vote on any legislation that either authorizes the President to enter into a trade agreement that is implemented pursuant to fast-track procedures, or that implements a trade agreement pursuant to such procedures. By requiring a two-thirds vote rather than a simple majority, the President will no longer be able to ignore the concerns of the vast majority of Members during negotiations and sweeten the agreement later. Trade agreements will take a consensus of both the legislative and executive branches to negotiate—a constitutionally sound solution of which the Founding Fathers would be proud.

TRIBUTE TO BILL WILLIAMS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. FARR of California Mr. Speaker, I rise today to salute Bill Williams, soldier, civil servant and civic leader. Bill was born in Newburgh, New York. Mr. Williams passed away this past May. He began his military career in 1943 at the age of twenty and retired from the military, after serving for twenty years and in many capacities, as a highly decorated Major in 1963. Bill's decorations included two Bronze Stars with the "V" Device, two Purple Hearts, a Combat Infantry Badge, service ribbons for the Normandy Invasion, and five Battle Stars for his service in Europe and Korea.

Upon his retirement from the military, Bill began his second career which lasted another twenty years. He applied the knowledge he had gained as a Training Company Commander while in the Army to his peacetime job in the field of Personnel Management.

During those years, Bill also applied his leadership skills as an officer in service clubs and veterans organizations. Bill was a life member of the Monterey Peninsula Kiwanis Club, including duties as Lieutenant Governor. He also held leadership posts in many of the other organizations of which he was a member: the Monterey Chapter of the Retired Officers Association, The Northern Military Order of the Purple Heart, The Northern California Region of TROA, The Masonic Liberty Lodge No. 70 of Paris France, and, The Pacific Grove Masonic Lodge No. 331.

I knew Bill as an active advocate for veterans. He kept me advised of matters of concern to the retired military community in the Fort Ord area. Bill vigorously pursued a site for a Veterans Cemetery on the grounds of the decommissioned Fort Ord. I greatly appreciated the work he did as a veteran's liaison in my Monterey office.

Bill leaves a loving wife of 49 years, Maria; his four daughters: Ginger, Debi, Kate and Elaine; and four grandchildren. We will all remember Bill as a fine example of leadership for his nation.

100TH ANNIVERSARY OF GREATER COOPER AFRICAN METHODIST EPISCOPAL ZION CHURCH IN WEST OAKLAND

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Ms. LEE. Mr. Speaker, it gives me great pleasure to rise today to congratulate the Greater Cooper African Methodist Episcopal Zion Church on its 100th anniversary of missionary and community involvement in West Oakland held July 11, 1998. The church, which in 1897 had its humble beginnings on Campbell Street, moved to Union Street in 1929 and is presently located since 1940 at 1429 Myrtle Street, one block west of Market Street amongst the beautiful Victorians of Old Oakland.

Many Bay Area residents will recall the years during and after World War II when Greater Cooper's membership grew to more than 500 as many servicemen passing through the area made Cooper Zion their church home. In the 1950's and 1960's, under the leadership of Rev. G. Lynwood Fauntleroy, Greater Cooper shared a music and radio ministry. Fond memories come with thoughts of their renowned Cathedral Choir, which graced the airwaves with their melodious renditions of anthems and spirituals.

Through the years this fine church has reached out to all segments of the community

through summer youth programs, childcare centers, senior citizens' programs, food ministries for the less fortunate, and a mentoring program for young boys.

The current pastor, the Reverend John A. Harrison, Jr., has the honor of heading this centennial celebration. Since November of 1997, the Greater Cooper has sponsored workshops, praise and worship services, and other ongoing activities to pronounce their joy in being blessed with such a long and rich history.

Together with the Greater Cooper A.M.E. Zion Church, I salute the great multitude of lay persons, those great men and women of Zion whose faith, prayers, and courage have sustained the church through economic struggles, and have helped to secure a permanent place of worship for its posterity.

It is significant that our community recognizes an important stable partner in our society that provides for the betterment and improvement in the quality of life, not only for its members, but the community and neighborhood they are situated. The Greater Cooper A.M.E. Zion Church has been that stable pillar and encouraged by its leadership and members, and it will continue to be a relevant contributor in the 21st century.

MEMORIALIZING CONGRESS TO AMEND TITLE TEN, UNITED STATES CODE RELATIVE TO THE COMPENSATION OF RETIRED MILITARY

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. KENNEDY of Rhode Island. Mr. Speaker, I submit the following for printing in the RECORD:

STATE OF RHODE ISLAND SENATE RESOLUTION 98-2995

Whereas, American servicemen and women have dedicated their careers to protect the rights we all enjoy; and

Whereas, Career military personnel endured hardships, privation, the threat of death, disability and long separations from their families in service to our country; and

Whereas, Integral to the success of our military forces are those soldiers and sailors who have made a career of defending our great nation in peace and war from the revolutionary war to present day; and

Whereas, There exists a gross inequity in the federal statutes that denies disabled career military equal rights to receive Veterans Administration disability compensation concurrent with receipt of earned military retired pay; and

Whereas, Legislation has been introduced in the United States Congress to remedy this inequity applicable to career military dating back to the nineteenth century; and

Whereas, The injustice concerns those veterans who are both retired with a minimum of 20 years, are denied concurrent receipt of hard earned military longevity retirement pay and Veterans Administration awards for service connected with disability; and

Whereas, Career military earn retirement benefits based on longevity of twenty years for honorable and faithful service and rank at time of retirement; and

Whereas, Veterans administered compensations serve a different purpose from longevity retired pay and are intended to compensate for pain, suffering, disfigurement, chemicals, wound injuries and a loss of earning ability and have a minimum requirement of 90 days of active duty; and

Whereas, The prevailing idea that military retirement pay is "free" is false. There is a contribution to retirement pay, which is calculated to reduce military base pay and retirement pay by approximately seven percent when pay and allowances are computed and approved by Congress; and

Whereas, Traditionally, a career military person receives a lower pay and retirement than his or her civilian counterpart and has invested a life of hardships and long hours without the benefit of overtime pay and lack of freedom of expression through the unions; and

Whereas, The Veterans Administration awards dependents allowances to disabled veterans with a thirty percent (30%) disability or more for each dependent, which allowances are increased with the amount of disability; and

Whereas, The Department of Defense deducts the entire amounts of dependents allowance, essentially leaving the disabled military retiree with no dependents allowance and that extends the discrimination to the families of military longevity retirees; and

Whereas, It is unfair to require disabled military retirees to fund their own Veterans Administration compensation by deductions on a dollar for dollar basis in the Department of Defense; and

Whereas, No such deduction applies to similarly situated federal civil service or Congressional retirement benefits to receive Veterans Administration compensation; and

Whereas, A statutory change is necessary to correct this injustice and discrimination in order to insure that America's commitment to national and international goals be matched by the same allegiance to those who sacrificed on behalf of those goals; now therefore be it

Resolved, That this Senate of the State of Rhode Island and Providence Plantations hereby urges the United States Congress to amend title ten, United States Code relating to the compensation of retired military, permitting concurrent receipt of military retired pay and Veterans Administration compensation, including dependents allowances; and be it further

Resolved, That the Secretary of State be and he hereby is authorized and directed to transmit a duly certified copy of this resolution to the President of the United States, Secretary of Defense, Senate Majority and Minority Leaders of the U.S. Congress, Speaker of the House, Committee Chairman of the Senate Armed Forces Committee and Veterans Affairs Committee, House Committee Chairman, National Security and Veterans Affairs Committee, and each member of the Rhode Island Delegation to Congress.

TRIBUTE TO MARY LOU AND MORT ZIEVE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. LEVIN. Mr. Speaker, on Wednesday, July 22, the Institute of Human Relations of the American Jewish Committee will present its Distinguished Community Service Award to two indeed distinguished citizens of Michigan, Mary Lou Simons Zieve and Mort Zieve.

Each has followed their own very busy and highly successful careers in the world of communication. No matter how intensive those challenges, they always have found time to participate in a diverse range of community activities. In quite a few of these, I have been privileged to participate with one or both of them or to see them in action. The result of their efforts have always been impressive and have benefitted thousands of fellow or sister citizens.

Mary Lou Zieve's broad community activities have included: President of the Detroit Historical Society (since 1994); honorary Life Member of the Karmanos Cancer Institute Board of Trustees; Chair of the Advisory Board of Wayne State University Press; a member of the Boards of the Greater Detroit Interfaith Round Table, the Michigan Historical Center Foundation in Lansing, Eton Academy and many others. She was producer of the Detroit area Jerry Lewis Telethon for five years, president of the Detroit chapter of American Federation of Television and Radio Artists; and founder and president of the Jewish Ensemble Theatre.

Mort Zieve's public endeavors have included: key publicity undertakings for the Michigan Opera Theatre and board member for 25 years; director of two productions at the Jewish Ensemble Theatre; Co-Chair of Detroit's Official Annual Birthday Party; and on the Mayor's Committee to structure the 300th birthday of the City in 2001. Mort Zieve has also received the Humanity in Arts Award for Musical at Wayne State University.

Mary Lou and Mort Zieve have been honored by the Karmanos Cancer Institute. In addition, Mary Lou has received the Leonard N. Simons History award from the Jewish Historical Society of Michigan and the Distinguished Alumna Award from Kingswood School Cranbrook.

It is my privilege to salute my distinguished fellow Michiganders and good friends on the receipt of a recognition so well deserved.

TRIBUTE TO JOSEPH MARINI

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. FARR of California. Mr. Speaker, I rise today to honor a confectioner, Joseph Marini, Senior, who delighted our towns-people and provided fond memories to generations of beach goers. Mr. Marini passed away this past spring.

The mouth-watering treats in his sweet shops included traditional salt water taffy, spun on a vintage machine that has mesmerized young visitors since 1922. Mr. Marini devised candy dipped fruit, with cinnamon or cherry coatings, as well as chocolate flavors. Cotton candy was another popular item especially with the trick or treaters who visited Mr. Marini at his home on Halloween. Eventually, when the throngs of children numbered over

1200, the giveaway was discontinued. Many a vacation will be remembered by the aroma of caramel corn that wafted along the Beach Boardwalk.

As central as his business was to the life of the Santa Cruz community, Joseph Marini made another contribution. He imbued countless young high school students with life-long values, by employing them, instructing them with clear guidance, and providing a living example with his own matchless work ethic. This training came from a man who was known for mischief and pranks when a youngster himself. His conversion came when his father, who started the business, brought his 10-year old son into the shop to help. It took a special ledge to boost the boy high enough to wrap taffy kisses.

The candy business became so central to his life that he continued to diligently appear at his store long after younger members of his family were charged with daily operations. The candy business became so central to the life of the community, that Santa Cruz without Marini's is unimaginable.

Joseph Marini, Senior gave this locale its own special flavor. He will be greatly missed and long remembered.

HONORING DR. JAMES G. LAWS

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. HALL of Ohio. Mr. Speaker, I rise today to pay tribute to Dr. James G. Laws, a man with a sincere passion for improving the lives of the people who suffer in remote areas of the world. He sets an example that we all should strive to follow and I am proud to have such a man in my district. Dr. Laws is the president of Knightsbridge International, a humanitarian relief organization. As such, he works on relief missions which bring much needed medicines to remote areas of the world. Dr. Laws often finances them himself and personally delivers the supplies. His commitment regularly brings Dr. Laws into the midst of armed conflicts, but he persists. For his dedication, his bravery, and his generosity, Dr. Laws deserves our thanks.

Dr. Laws is a cardiologist from Germantown, Ohio and a member of the Knights of Malta, an order dating back to the Crusades. Together with Dr. Edward Artis, a friend and fellow Knight, Dr. Laws confounded the humanitarian relief group, Knightsbridge International.

In 1994, Dr. Laws, Dr. Artis, and Knightsbridge were active in Rwanda. One of their successful missions is a remarkable story. A boy was lost in a sea of refugees after having watched his mother and sister murdered by soldiers. His father, who was studying in New Orleans, somehow spotted him on a newscast from Africa. The man appealed to Knightsbridge for help in finding the beloved son he had believed to be dead. Dr. Laws and his organization tracked down the terrified boy and brought him back to his grateful father.

That same year, Dr. Laws also helped to deliver 25,000 doses of antibiotics to needy clinics in Rwanda, and helped facilitate a contribution of a quarter of a million dollars to an orphanage built with Mother Teresa's help.

In 1996, Dr. Laws and Dr. Artis traveled to Nicaragua to investigate the possibility of constructing a new clinic on Corn Island. They envisioned a small, multipurpose medical center and dental facility which would be accessible to the impoverished islanders. Today, the clinic is fully functional. It provides the people of Corn Island with much needed health care and works together with the local clinic.

In 1997, Dr. Laws secured the donation of a cardiac unit from the Grandview Hospital of Dayton and transported it to Bishek, the capital of Kyrgyzstan. The donation upgraded the hospital's heart facility and enabled it to provided better medical care. Dr. Laws also was active in Azerbaijan, Daghestan, and Chechnya, helping deliver hundreds of thousand of dollars worth of medical supplies to them.

Most recently, Dr. Laws, Dr. Artis, and Knightsbridge International have been working to relieve the suffering in Afghanistan. Their first humanitarian mission took them to Kabul, where they provided local hospitals with $250,000 in medicines and medical supplies. Subsequent trips were to Bamiyan, the capital city of the Northern region, where some 400,000 people were on the verge of dying from hunger and disease. Dr. Laws defied death threats and braved a civil war zone to personally help bring more than a million dollars worth of critical medicines to the suffering people of Hazaristan.

Mr. Speaker, it is with pleasure that I ask you and my colleagues to join me in acknowledging the lifesaving work that Dr. James Laws does. He is a hometown hero whose activities I observe with pride. He has proven himself to be a true humanitarian who is dedicated to easing all suffering. His missions have brought relief and improved medical resources to countless communities, and, I hope, to many more to come. Dr. James Laws deserves our respect and thanks for the compassion he has shown, and continues to show, to the needy people of the world.

A TRIBUTE TO GENE BELLISARIO

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. FAZIO of California. Mr. Speaker, I rise today to pay tribute to Gene Bellisario, a longtime supporter of education. Gene, president of the Yuba College Board of Trustees, is retiring from the Yuba College Board after five terms.

Gene Bellisario, a graduate of Yuba College, credits his success in the world of business to retired Yuba College instructor Harry Clinton, who first encouraged him to apply for a position at the Credit Bureau of Sutter County. That first position eventually led him to open a credit bureau of his own, and recently Gene sold his business, the Credit Bureau of Placer County, and retired.

For close to 40 years, Gene Bellisario has been an outstanding member of the community, both in business and in education. He is currently serving in his fourteenth year as a trustee of the Yuba College Board. Previously, he was a member of the Lake Tahoe Community College Board for six years. A popular figure at Yuba College, Gene was the top vote getter four of the five times that he ran for election as a trustee. During his tenure on the Yuba College board, he served in several capacities, including president, vice president, and clerk. The students, faculty, and administrators will sorely miss his presence at the college when his term ends and he retires at the end of 1998.

Gene Bellisario has continually striven to improve the quality of college trustees throughout the state. He has represented the Yuba College district at community college trustee workshops in Washington D.C., and he has served as a "mentor trustee" for other community college trustees in California. These efforts to learn and promote responsible trusteeship are a reflection of Gene's commitment to higher education.

Still active members of the community, Gene and his wife Peggy now concentrate on philanthropy. As a demonstration of their continuing belief in education, the Bellisarios have funded the Bellisario Family Trust which benefits both the Yuba College and Lake Tahoe Community College Foundations.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in honoring Gene Bellisario, and I personally extend my sincere appreciation for all he has done for the Yuba community during his many years of dedicated service.

TRIBUTE TO MARY MULLIGAN

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. LEVIN. Mr. Speaker, I rise today to honor Mrs. Mary Mulligan on the occasion of her retirement from the Barbara Ann Karmanos Cancer Institute after 45 years of untiring and devoted service in cancer-related institutions.

Mrs. Mulligan's career began in 1953 when she helped establish an office in Mt. Clemens for the Macomb County Unit of the American Cancer Society. The office provided support, guidance and medical care to cancer patients—free of charge.

Her success in recruiting volunteers and aiding patients in this office, led to her involvement in the creation of 13 additional offices in Macomb County which ultimately served as the blueprint for offices that later opened in Wayne Oakland and Monroe Counties.

Over time, the American Cancer Society evolved into the Michigan Cancer Foundation and eventually became known as the Karmanos Cancer Institute.

Mrs. Mulligan continued her involvement in recruitment and education awareness and is retiring now as the Director of Volunteer Administration for the entire Karmanos Cancer Institute.

Mr. Speaker, I ask my colleagues to join me in honoring Mrs. Mary Mulligan for the caring,

good will and effort she has devoted to help cancer patients over the many years. I wish her continued good health and happiness in the future.

ENDING THE MARRIAGE TAX PENALTY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. BEREUTER. Mr. Speaker, I highly commend to my colleagues this July 2, 1998, editorial from the South Sioux City Star supporting the end to the marriage tax penalty.

TIME TO END MARRIAGE TAX PENALTY

Of all the external challenges to marital bliss, the least expected and the most unforgivable is the one posed by your own government.

Married couples are subjected to what is described as the "marriage tax."

Every year, more than 21 million couples are penalized for no other reason than they chose to come together in holy matrimony. It's unfortunate that a 1040 form comes between some couples who would like to get married, but would pay a financial penalty.

The breakup of the family is a leading cause for many of America's social problems. Washington should advocate policies that strengthen families, not weaken them. Yet punishing working families is what the current tax code does through a cold mathematical calculation on a piece of paper.

To correct this immoral inequality, the Marriage Tax Elimination Act (HR 2456), has been introduced. It would eliminate the penalty levied on nearly half of America's married couples. On the average, most couples must produce an additional $1,400 at tax time. Given the fact that two-income households have been the norm rather than the exception for years, the marriage tax needs to be eliminated.

The Marriage Tax Elimination Act would restore equilibrium by allowing couples to choose their filing status either jointly or singles, whichever produces the most savings.

The MTE Act was introduced in Congress with the support of the majority of the sophomore class and the Republican leadership. It already has 180 cosponsors and the support of such organizations as Americans for Tax Reform, Independent Women's Forum and National Taxpayers Union.

With such broad-based support you'd think the Marriage Tax Elimination Act should have no trouble moving through Congress. But the MTE is a tax cut and you know the difficulty of getting Congress to cut taxes in any area.

TRIBUTE TO GARY TATE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. FARR of California. Mr. Speaker, I rise today to honor Gary Tate, an innovative leader and passionate advocate of the open spaces, parklands and the natural resources of Monterey Peninsula, Carmel Valley and the Big Sur Coast.

Gary is retiring in July from his position as General Manager of the Monterey Peninsula Regional Park District after having served continuously for 25 years. First employed in June of 1973, soon after the District was formed, Gary was the only employee for 13 years. Fresh from the East Bay Regional Park District, Gary was only 29 years old when he was hired to manage an agency that did not exist. From an office that was 10 feet square, Gary set to work, seizing every opportunity to preserve open space and parklands.

Garland Ranch was Gary's first purchase in 1975. The dedication of its opening was my first public role as a new Monterey County Supervisor. On that glorious day, Gary met me with a big white mare to ride the five miles to the dedication. It became a red, white and blue dedication: white was the horse, red was my bottom, and blue was my body.

In the Park District's first quarter century under Gary's leadership, 23 projects throughout the Monterey Peninsula have been completed, resulting in the acquisition and protection of more than 7,500 acres that include river and pond wetlands, redwood and Monterey Pine forests, coastal dunes and beaches, and a wide variety of cultural and historic resources. In addition to garnering the necessary funding for these projects, Gary has trained a corps of volunteers, developed a support organization "Friends of the Park" and hired and supervised new members of the staff, now eight in all. Gary has the high esteem of his peers and the environmental community, and has been commended by the Sierra Club for his outstanding public service.

Some of the specific projects started and concluded by Gary include:

Formation of the Joint Powers Agency with the cities of Monterey and Seaside to acquire and preserve the lake at Laguna Grande and develop a park there;

Development of the regional Monterey Bay coastal trail;

A decade-long effort to correct the Local Coastal Plan of Sand City, resulting in an agreement with Sand City and California State Parks to preserve 70 percent of Sand City's coastline as a state beach; and

Acquisition of more than $5 million in grant funding from federal, state and private sources, to acquire and preserve open space parklands on the Monterey Peninsula.

Gary and his wife Sheri will continue to live in Carmel Valley where they have raised two daughters, Carrie and Christen, Gary, never idle, will be renovating his home, supervising a youth center building project for his church, hiking in Garland Park, and going fishing. He will remain active with the Hatton Canyon Coalition, which is seeking alternatives to a proposed freeway project. Gary will always be a steward of the area he calls home.

Gary himself has said "My 25 years with the District have been a never-ending challenge and a very rewarding experience." However, Gary's spectacular success, achieved through his clear vision, single-minded determination and energy, has made him our environmental hero. He has my very best wishes for continued health and happiness in his retirement. Gary Tate has left a special legacy that will be enjoyed by visitors and residents of the Monterey area in perpetuity.

CONGRATULATIONS TO BEE DEVELOPMENT AUTHORITY

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. HINOJOSA. Mr. Speaker, I rise today to mention a very exciting project that is occurring in the 15th Congressional District of Texas, which I am privileged to represent. This Spring, negotiations were completed for the sale of the former Naval Air Station, Chase Field land by the Department of the Navy to the City of Beeville. Subsequently, the City conveyed title to a portion of the land to the Bee Development Authority (BDA) in Beeville, Texas, thereby paving the way for the BDA to move forward with plans for the development of an industrial complex. This is a significant revitalization effort that has been in the works for years—one that is going to be a terrific boon to the community in terms of both jobs and economic benefits.

The Chase Field Industrial Complex would not be a reality today were it not for the foresight and perseverance of all the members of the Bee Development Authority. They are the individuals I want to take this occasion to congratulate. Quite simply put, they're an exceptional group.

Accomplishing this goal was by no means an easy feat. What it required was commitment, teamwork and, above all, a creative strategy. The Bee Development Authority combined energy—talent—and vision—and in so doing once again proved the age old adage that where there's a will, there's a way. It's a perfect example of what can be accomplished when ingenuity is mixed with perseverance.

Time has a way of passing very quickly. Days turn into weeks, weeks into months, and the next thing one knows, years have gone by. One day, and I predict it won't be all that far in the future, Chase Field Industrial Park will seem like it's always been a part of the Beeville landscape. I'm also certain that Chase Field Industrial Park will always be regarded as a milestone in the development of Beeville and Bee County. What a fitting tribute to the members of the Bee Development Authority. What a wonderful legacy.

Again, congratulations!

INTERNET TAX FREEDOM ACT

SPEECH OF

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1998

Mr. COX of California. Mr. Speaker, I introduced the bill we are considering today, H.R. 4105, the Internet Tax Freedom Act, yesterday. It has not been reported to the House by either the Commerce Committee or the Judiciary Committee, or by any committee of Congress. It does, however, represent a synthesis of two bills approved by the Commerce Committee (H.R. 3849) and by the Judiciary Committee (H.R. 3529). Thus, while normally there be one or more committee reports filed in connection with H.R. 4105, there is none. As the

author of the consensus bill, as well as of the original Internet Tax Freedom Act (H.R. 1054), upon which both H.R. 3849 and H.R. 3529 were based, I am pleased to set forth for the Record the author's intent concerning certain key provisions of the bill, notably Section 2 ("Moratorium on Certain Taxes") and Section 7 ("No Expansion of Tax Authority"), since this important information will not be fully reflected in the committee reports accompanying the two previous bills.

REPORT CONCERNING PROVISIONS OF H.R. 4105, THE INTERNET TAX FREEDOM ACT

A. MORATORIUM ON CERTAIN TAXES

Section 2 of H.R. 4105 amends Title 4 of the U.S. Code to add a new Chapter 6 (Sections 151–155). New Section 151 of Title 4 prohibits, for a period of 3 years, State and local governments from imposing, assessing, collecting, or attempting to collect "taxes on Internet access," "bit taxes," "multiple" taxes on electronic commerce, and "discriminatory" taxes on electronic commerce.

1. No taxes on Internet access

New Section 151(a) prohibits, for a period of 3 years, State and local governments from imposing, assessing, collecting, or attempting to collect "taxes on Internet access." It is intended that this temporary ban will be made permanent in the future, as it is envisioned that the legislation submitted to Congress by the Advisory Commission pursuant to new Section 153(b)(5) will include provisions making the 3-year ban on such taxes permanent. The National Governors' Association has already publicly declared its support for such a permanent ban.

The term "Internet access" is defined in new Section 155(7). It means any service that enables users to access content, information, and other services offered over the Internet. It includes access to proprietary content, information, and other services as part of a package of services offered to consumers. It does not, however, mean a telecommunications service. Providers of Internet access often provide their subscribers with the ability to run a variety of applications, including World Wide Web browsers, File Transfer Protocol clients, Usenet newsreaders, electronic mail clients, and Telnet applications. Providers of Internet access may also provide access to proprietary content as well as access to the Internet. American Online, CompuServe, Prodigy, and Microsoft Network are examples of providers of Internet access.

New Section 151(b) provides a limited exception to the moratorium on taxes on Internet access for eight States that presently tax Internet access—Connecticut, Wisconsin, Iowa, North Dakota, South Dakota, New Mexico, Tennessee, and Ohio. Any one of these States' taxes on Internet access would be "grandfathered" if the State enacts a law within one year expressly affirming that the State intends to tax Internet access. The intent of this provision is to "grandfather" only those States that have already come to rely on Internet access taxes as an important source of revenue, and that have expressly described in statute that Internet access is subject to taxation. The reason a further legislative act is required in order to quality for the exception is that none of the eight potentially "grandfathered" State statutes makes express reference to the Internet. (The Governors of two States that presently tax Internet access—Texas and South Carolina—opted not to have their States' laws included in the "grandfather" provision, because they oppose the taxation of Internet access.)

Because none of the States presently taxing Internet access has a law on the books that expressly authorizes the taxation of Internet access, such taxes are being imposed as the result of decisions made by tax administrators rather than by legislators. For example, a tax administrator may decide that Internet access falls within the definition of existing telecommunications or other taxes, even though the Internet is nowhere referred to or described in the State's law. New Section 151(b)(2), which requires the express codification of such Internet access taxes, is intended to ensure that the significant decision of a State to override national policy against the taxation of Internet access will be made by the State's duly elected representatives. In form, this provision is similar to other instances in which Congress has chosen to make applicability of a Federal law contingent upon the actions of others, including State officials. *See Currin* v. *Wallace*, 306 U.S. 1 (1939); *North Dakota* v. *United States*, 460 U.S. 300 (1983); and *Confederated Tribes of Siletz Indians* v. *United States*, 110 F.3d 688 (9th Cir. 1997).

It is important to note that the "grandfather" exception provided in new Section 151(b) only applies to "taxes on Internet access." It does not apply to the other taxes included within the moratorium—bit taxes, multiple taxes, or discriminatory taxes. As a result of this clear language, even if a State tax on Internet access meets the conditions of the exception set forth in Section 151(b), the tax may nevertheless be barred if it is imposed in a manner that would cause it to fall within the definition of a "multiple" tax or a "discriminatory" tax. Moreover, a tax on Internet access that comes within the "grandfather" provision is not thereby rendered valid for all purposes. Coming within the "grandfather" means only that the tax is only excepted from the moratorium imposed by this Act, not that is is excepted from any other limitations on a State's ability to tax—such as, for example, limitations imposed by the Constitution.

New Section 15(c) provides a further exception to the moratorium to ensure that telecommunications carriers will not avoid liability for taxes on telecommunications services as such. This provision requires that, in order to be covered by the moratorium, a telephone company that bundles telephone service along with Internet access must separately state on the customer's bill the portion of the billing that applies to telephone services.

2. No. bit taxes

New Section 151(a)(2) prohibits, for a period of 3 years, State and local governments from imposing, assessing, collecting, or attempting to collect so-called "bit" taxes. A "bit" is an abbreviation for "binary digit," which denotes either a zero or one. The term "bit tax" is defined in new Section 155(1) as any tax on electronic commerce expressly imposed on or measured by the volume of digital information transmitted electronically, or the volume of digital information per unit of time transmitted electronically. It does not include taxes imposed on the provision of telecommunications services. Because bit taxes target digital communications, they would be extremely detrimental to the future of the Internet and extremely costly for consumers. It is for these reasons that State and local governments are barred from imposing any such tax.

3. No multiple taxes on electronic commerce

New Section 151(a)(3) prohibits, for a period of 3 years, State and local governments from imposing, assessing, collecting, or attempting to collect "multiple" taxes on electric commerce. The term "multiple tax" is defined in new Section 155(8). In general, this definition covers two distinct ways that taxes may become layered in an unfair manner. The first concerns instances where two or more taxing jurisdictions all tax the same sercice. The second covers instances where one taxing jurisdiction applies a telecommunications tax in a manner that results in the consumer paying the same tax twice: once on the underlying phone service used to connect to the Internet, and again on the Internet service itself.

New Section 155(8)(A) states that a tax is a "multiple tax" if it is imposed by one State or locality on the same or essentially the same electronic commerce that is also taxed by another State or locality. Whether two or more taxes are "multiple" is independent of whether they are levied at the same rate, or on the same basis. A credit for taxes paid in other jurisdictions, or some other similar mechanism for avoiding double taxation, will prevent a tax from falling within this definition. This section is intended to strengthen the protections already afforded by the U.S. Supreme Court against multiple jurisdictional taxation. For instance, in *Goldberg* v. *Sweet*, 488 U.S. 252 (1989), the Court limited the ability of two States to double-tax the same service by requiring that an interstate telephone call must originate or terminate in the State and must be billed to an in-State address in order for that State to tax the telephone call. In the case of electronic commerce, it is even more important to provide clear protections against multiple taxation. The Internet's decentralized packet-switched architecture means that Internet transmissions almost always cross several jurisdictions. Moreover, the variety of technologies employed to deliver Internet services means that each aspect of a transaction could be subjected to separate taxation—for example, transmission of data and also the data itself—on the grounds that these are not "the same." (For this reason, the definition in new Section 155(8)(A) expressly adds the alternative "or essentially the same.") These factors, combined with the Internet's increasingly portable nature, makes it especially vulnerable to the threat of multiple taxation.

New Section 155(8)(B) states that if a State or local government classifies Internet access as telecommunications or communications services, then any State or local government tax on the underlying telecommunications services used to provide Internet access will constitute a "multiple tax." The definition provides an exception to this rule if the State or local government allows a credit for other taxes paid, a sale for resale exemption, or similar mechanism for eliminating double taxation of the service and the means for delivering the service.

4. No discriminatory taxes On electronic commerce

New Section 151(a)(3) prohibits, for a period of 3 years, State and local governments from imposing, assessing, collecting, or attempting to collect discriminatory taxes on electronic commerce. The term "discriminatory tax" is defined in new Section 155(3).

In the world of multi-state tax law, the term "discriminatory" commonly carries distinct meanings. It is most often used to describe taxes that favor local commerce over interstate commerce. For the purposes of this Act and only this Act, however, new Section 155(3) defines the term "discriminatory" in a manner that is meant to capture

instances where State or local tax policies intentionally or unintentionally place electronic commerce at a disadvantage compared to similar commerce conducted through more traditional means, such as over the telephone or via mail-order. Adopting such a definition of "discriminatory tax" is not intended to disturb Commerce Clause protections against State or local tax laws that burden interstate commerce. Rather, the Act is meant to complement these existing protections.

New Section 155(3)(A)(i) defines "discriminatory tax" as any tax on electronic commerce that is not generally imposed and legally collectable by a State or local government on transactions involving similar property, goods, services, or information accomplished through other means. For example, if a State requires the seller of books at a retail outlet to collect and remit sales tax, but does not impose the same tax collection and remittance obligations on the seller if the same sale is made over the telephone from a mail-order catalog, then the State would be prohibited from imposing collection and remittance obligations on the seller when the transaction occurs in whole or in part over the Internet. A tax is discriminatory if it is imposed on an Internet transaction but not imposed on any other similar transaction off the Internet, or if it is imposed only in some but not all other cases. The property, goods, services, or information need not be identical, but only "similar." This is intended to cover the common phenomenon of "interactive" Internet versions of non-interactive products sold off the Internet. Likewise, any taxation of property, goods, services, or information that is inherently unique to the Internet would be discriminatory, because there is no non-Internet property, goods, services, or information that is similar and that the State generally taxes.

New Section 155(3)(A)(ii) extends the definition of "discriminatory tax" to include any levy by a State or local government that taxes electronic commerce in a manner that results in a different tax rate being imposed on electronic commerce when compared to a transaction that occurred through another means.

(a) No taxes on Internet-unique property, goods, services, or information

Taken together, new Section 155(3)(A)(i) and (ii) mean that property, goods, services, or information that is exchanged or used exclusively over the Internet—with no comparable off-line equivalent—will always be protected from taxation for the duration of the moratorium. Examples of Internet-unique property, goods, services, or information include, but are not limited to, electronic mail over the Internet, Internet site selections, Internet bulletin boards, and Internet search services.

(b) No new collection obligations

New Section 155(3)(A)(iii) states that a tax on electronic commerce is discriminatory if it imposes an obligation to collect or pay a tax on a different person or entity that would be the case if the transaction were accomplished without using the Internet, such as over the telephone or via mail-order. For instance, a tax is not discriminatory if the obligation to collect and remit it falls on the vendor whether the sale is made off-line or online.

This definition also includes taxes that impose tax collection obligations on persons other than the buyer or seller in an Internet transaction. For example, a tax is discriminatory if it imposes tax collection or tax reporting duties on Internet access providers, telephone companies, banks, credit card companies, financial intermediaries, or other entities that might have access to a customer's billing address, since these collection and reporting obligations are not imposed in the case of telephone, mail-order, or retail outlet sales.

(c) No classification of an ISP as a phone company

New Section 155(3)(A)(iv) states that a tax on electronic commerce is discriminatory if it establishes a classification of Internet access provider, and imposes a higher tax rate on this classification than on similar information services delivered through means other than the Internet. The term "information services" is expressly defined in new Section 155(5) and in Section 3(2) of the Communications Act of 1934 to *exclude* "telecommunications service." As a result, neither telephone companies nor similar public utilities, as such, may be "providers of information services delivered through other means" within the meaning of new Section 155(3)(A)(iv). For this reason, the fact that a telephone company or similar public utility service pays tax at the same or a higher tax rate than an Internet access provider will not prevent the tax on the Internet access provider from being discriminatory. In this way, new Section 155(3)(A)(iv) effectively serves to prohibit States and localities from classifying a provider of Internet access as a telephone company or similar public utility service—for example, for the purpose of applying a business license tax—if such classifications are subject to higher tax rates than other non-Internet information services.

(d) No New "Nexus"

The definition of "Discriminatory tax" in new Section 155(3)(B) is intended to prohibit States and localities from using Internet-based contacts as factor in determining whether an out-of-State business has "substantial nexus" with a taxing jurisdiction.

This is intended to is provide added assurance and certainty that the protections of *Quill* v. *North Dakota*, 504 U.S. 298 (1992)—including its requirement that substantial nexus be determined through a "bright-line" physical-presence test—will continue to apply to electronic commerce just as they apply to mail-order commerce, unless and until a future Congress decides to alter the current nexus requirements.

In this way, the Act intends to encourage the continued commercial and non-commercial development of the Internet. New Section 155(3)(B) is a direct response to testimony from a State tax administrator, who offered his view to Congress at a July 1997 hearing that the *Quill* protections provided to remote sellers without a substantial in-State physical presence should not apply to businesses engaged in electronic commerce. During the hearing, the tax administrator acknowledged that if a resident of his State were to use the telephone to purchase a good from an out-of-State vendor, his State would not be permitted to impose its tax collection obligations on that vendor unless the vendor otherwise had a substantial in-State physical presence. The tax administrator further testified, however, that if instead the Internet were used to place the order, his State would attempt to require the out-of-State vendor to collect taxes. His rationale was that the flow of data over the Internet into his State, the "presence" of a web page on a computer server located in-State, of the supposed "agency" relationship between the remote seller and an in-State Internet access provider should be enough to give the remote seller a substantial physical presence in his State.

The Act rejects this approach. The promotion of electronic commerce requires faithful adherence to the U.S. Supreme Court's clear statement in *Quill* that a "bright-line" physical presence—not some malleable theory of electronic or economic presence—is required for a State to claim substantial nexus. Even without the Act, the courts, in light of *Quill*, are likely to view such arguments by State tax administrators with great skepticism. But the Act provides clarity and far greater certainty by specifically outlawing State or local efforts to pursue aggressive theories of nexus. This should result in decreased litigation which will benefit States, localities, taxpayers, and an often overworked court system.

New Section 155(3)(B)(i) defines "Discriminatory tax" so as to make it clear that Congress considers the creation or maintaining of a site on the Internet to be so insignificant a physical presence that the use of an in-State computer server in this way by a remote seller shall never be considered in determining nexus.

New Section 155(3)(B)(ii) defines "discriminatory tax" so as to prohibit a State or political subdivision from deeming a provider of Internet access to be an "agent" of a remote seller. Internet access providers commonly display information on the Internet for remote sellers, and often maintain or update the remote seller's web page. Even if the Internet access provider provides these and other ancillary services (such as web page design or account processing) on an in-State computer server, the provider should not be considered an agent for purposes of taxation.

B. No expansion of tax authority

The Act is meant to prevent Internet taxes, not proliferate, encourage, or authorize them. Section 7 of H.R. 4105 expressly states, therefore, that nothing in the Act shall be construed to expand the duty of any person to collect or pay taxes beyond that which existed on the date of enactment of the Act.

Section 7 is specifically intended to make it clear that the Act does not, directly or indirectly, expand the definition of "substantial nexus" beyond existing judicial precedent and interpretations of the Commerce Clause of the United States Constitution. It is intended to negate any possible inference that the Act might subvert existing requirements that interstate activity have a "substantial nexus" (determined through a "bright-line" physical-presence test) with the taxing jurisdiction, and that taxes on such activities be fairly apportioned, be fairly related to the services provided by the jurisdiction, and not discriminate against interstate commerce.

It is fully intended that a State or local tax not barred by the provisions of this Act shall not be valid if such tax would otherwise constitute an undue burden on interstate or foreign commerce.

TRIBUTE TO THE ISRAEL 50TH ANNIVERSARY GALA HONOREES

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to an outstanding collection of individuals for their unwavering commitment to the

Jewish Federation of Los Angeles. I would like to take this opportunity to acknowledge the 1997–1998 Jewish Federation Officers Herbert M. Gelfand, Irwin Field, Todd Morgan, Lionel Bell, Carol Katzman, Elaine Caplow, Chuck Boxenbaum, Stuart Buchalter, Jonathan Cookler, Rabbi Harvey J. Fields, Howard I. Friedman, Dr. Beryl Gerber, Meyer Hersch, Harriet Hochman, Evy Lutin, Annette Shapiro, Terri Smooke, Carmen Warschaw, David Wilstein, Mark Lainer, Edna Weiss, David Fox, and Newton Becker for their innovative leadership over the past two years.

The Talmud states "He who does charity and justice is as if he had filled the whole world with kindness." In the spirit of these words, these leaders have infused our community with great kindness, purpose, and pride. Their work strongly represents the Judaic tradition of generosity and concern for others. Their exceptional leadership has been instrumental in laying the foundation for a strong and cohesive Jewish community in the City of Los Angeles.

Mr. Speaker, distinguished colleagues, please join me today in congratulating these leaders for their tremendous dedication to the Jewish Federation.

TRIBUTE TO HIROSHI "HEEK" SHIKUMA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. FARR of California. Mr. Speaker, I rise today to honor a gentle man, Hiroshi "Heek" Shikuma, whose superior abilities and foresight were instrumental in developing an industry that has become a mainstay of the area economy, while his wisdom and gentleness made him a leader in the spiritual community. Mr. Shikuma passed away this past February.

Mr. Shikuma was born, raised, and educated in the Pajaro Valley. During World War II, he served in the United States Army's Japanese-American 442 Regiment, receiving a Purple Heart after being wounded in combat. Upon his return, Mr. Shikuma began farming in the rich soils of the Pajaro Valley. At that time, local farmers were just becoming aware of the value of strawberries as a crop. Strawberries were selling for an incredible twenty cents a pound in San Francisco. Shikuma Bros. Inc. was established when Heek was joined by his two older brothers, Mack and Kanji. Through hard work and dedication the strawberry industry prospered. The Shikuma family founded the Central California Berry Growers Association, a marketing cooperative that enabled growers to optimize the value of their product. Today the cooperative is known as Naturipe. Mr. Shikuma has been active on the board since 1949, for a time presiding as its president. In 1989, Mr. Shikuma was honored by the Japanese American National Museum and Los Angeles County for his contributions to the California strawberry industry, which now produces more than 70 percent of the nation's berries. In 1993, the Santa Cruz County Farm Bureau named Shikuma Bros. the "Farm Family of the Year."

As successful as Mr. Shikuma was in his business enterprises, he found the time to be a supporter of the community in which he lived. He was a long-time member of the Japanese American Citizens League, and served as president. His family founded the Japanese Presbyterian Church which became the Westview Presbyterian Church in Watsonville. Mr. Shikuma was remembered by his daughter, Nancy, as a "man of high integrity who extended his hand to others in need of help. He always put his family first and never spoke a harsh word to anybody."

Our thoughts are with the family, his wife of fifty years, Chiyeko, his two daughters, Nancy and Anne, his son, Ted, his brother, Mack, and sister, Emi, his grandchild and many nieces and nephews. His loss will be felt profoundly, but the mark he has left on the community is indelible. Heek Shikuma provides a magnificent example of the best in humankind with his special blend of intelligence, diligence and kindness.

TRIBUTE TO HINDU TEMPLE OF ST. LOUIS

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. TALENT. Mr. Speaker, I rise today to pay tribute to the Hindu Temple of St. Louis and recognize their efforts to celebrate Kumbhabhisheka Mahotsava. I wanted to take this opportunity to enclose the text of some brief remarks I made on Friday, July 3, 1998, which recognizes this outstanding occasion.

Since the Hindu Temple of St. Louis opened in 1991, it has become an integral part of the community. The recent expansion program has resulted in a spectacular temple with architectural roots in the 500-year-old temples of India.

I congratulate the Temple and the community on your success and am honored to share in the excitement of Kumbhabhisheka Mahotsava, the consecration of the Temple. The traditions and rituals steeped in centuries of custom make this a unique and special opportunity for the St. Louis Hindu community.

I wish you peace and joy on this great occasion. May God bless you and your families as you share in the beauty of Kumbhabhisheka.

Mr. Speaker, I ask that you and my colleagues join congratulating the Hindu Temple of St. Louis and wish them all the best on this very special event.

CELEBRATING THE THIRTY-FIFTH ANNIVERSARY OF THE WEST ORANGE FIRST AID SQUAD

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. PASCRELL. Mr. Speaker, I would like to take this opportunity to highlight a momentous milestone for the West Orange First Aid Squad in West Orange, New Jersey. This July the squad will celebrate its 35th Anniversary in service to the public of West Orange.

In the late 1950s to early 1960s the Department of Civil Defense-Disaster Control (CD–DC) in West Orange began a series of residence training programs which focused on "Home Preparedness," fire safety, home protection, and elementary first aid. These sessions were very well attended. At every town function, the CD–DC would have the local boy Scout troop set up a first aid tent to care for minor injuries. For serious injuries, the fire department had an ambulance located at Fire Station #4 on Pleasant Valley Way. The personnel were not properly trained, and the equipment was lacking, but they did the best they could with what was available.

At this time, at a monthly CD–DC meeting a police auxiliary officer proposed creating a first aid unit. Information was gathered from the NJ Safety Council, and various township officials were contacted, resulting in the decisions that an emergency first aid unit should be created. After some debate, it was decided that it would be a separate volunteer organization. Volunteers were sought and a training program was started. Commissioner Edward Roos decided that the volunteers would be able to use the ambulance at station #4 if they passed their training.

The early 1960s saw all of the volunteers passing the first aid course. They were given a uniform of white coveralls with a special insignia. When it was realized that women too were taking the course, and a decision was reached that the squad would be an all-male operation, the women created an auxiliary called the Gold Cross which was responsible for raising money for the squad.

In 1963, the squad was officially recognized by the township as a separate volunteer medical unit and was granted a charter for "Primary Medical Emergency Medical Service." In the 1970s the number of volunteers grew and the squad was moved to a larger location at 25 Mount Pleasant Place, where it is still located today.

Today, the West Orange First Aid Squad continues to provide free emergency medical care to the Township of West Orange. It is one of the few squads in New Jersey to offer an in-house, 24-hour volunteer crew. Its volunteers go through an extensive training program, and work with the fire department in life threatening emergencies.

Mr. Speaker, I ask that you join me, our colleagues, and the Township of West Orange, as we congratulate the West Orange First Aid Squad on its 35th anniversary and wish it the best of luck in providing service to its community in the years to come.

U.S. SANCTIONS POLICY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues an important op-ed article on U.S. foreign policy sanctions, published in the June 19 edition of The Wall Street Journal. The article was written by Richard Haas of the Brookings Institution, who was a senior National Security

Council official in the Bush Administration. Mr. Haas argues that unilateral sanctions are ineffective and costly, and he offers wise policy guidelines for future sanctions. The article follows:

SANCTIONS ALMOST NEVER WORK

Economic sanctions have never been more popular than they are now. Congress imposes them; the executive branch implements them; even state and municipal governments want to get into the act. More than 75 countries with over two-thirds of the world's population are subject to U.S. economic sanctions—whether aimed at discouraging weapons proliferation, bolstering human rights, deterring terrorism, thwarting drug trafficking, discouraging armed aggression, promoting market access, protecting the environment or replacing governments.

Sanctions are occasionally effective; they probably hastened the end of South African apartheid and constrained Saddam Hussein after the Gulf War. But the record strongly suggests that sanctions often fail or make things worse. Sanctions alone are unlikely to achieve foreign-policy objectives if the goals are ambitious or time is short.

Unilateral sanctions almost never work. Secondary sanctions—trying to compel others to join a sanctions effort by threatening sanctions against them—can seriously harm relationships with the secondary states. Sanctions have caused humanitarian suffering (Haiti), weakened friendly governments (Bosnia), bolstered tyrants (Cuba) and left countries with little choice but to develop nuclear weapons (Pakistan). From a domestic perspective they are expensive, costing U.S. businesses billions of dollars a year and many thousands of workers their jobs.

USE SPARINGLY

For these reasons the U.S. should use the weapons of sanctions sparingly if at all. Here are some principles policy makers and Congress should follow:

Avoid unilateral sanctions. The evidence is overwhelming that unilateral sanctions achieve little. Target countries can almost always find alternative sources of goods, capital and technology. For this reason, Washington should rethink its efforts against Cuba and should hold off on going it alone against Nigeria.

Resist resorting to secondary sanctions. It is an admission of diplomatic failure to punish friendly nations that don't comply with a sanction against a foe. It is also an expensive response. The costs to U.S. foreign policy, including relations with major trading partners and the World Trade Organization, almost always outweigh the potential benefits of coercing friends. This is the lesson of U.S. secondary sanctions imposed against Europe and Canada over their refusal to support broad U.S. sanctions against Cuba, Iran and Libya.

Tailor sanctions narrowly. A focused response helps avoid jeopardizing other interests and an entire bilateral relationship over one area of disagreement. Such a response also does less harm to innocent people and makes it easier to garner multinational support. Sanctions designed to stem the proliferation of weapons of mass destruction are a prime example. Where there are transgressions, the U.S. should direct any sanction against the foreign firms involved. If the government is to blame, Washington should cut off technological cooperation or trade in the relevant technologies. Political sanctions should be used sparingly if at all. U.S. officials should resist the temptation to break diplomatic relations or cancel high-level meetings. Such interactions provide opportunities for U.S. officials to make their case. All of this argues for narrowing the scope of sanctions against India and Pakistan—and not canceling this fall's planned presidential visit.

Don't hold major bilateral relationships hostage to a single issue. This is especially the case with a country like China, with which the U.S. has to balance interests that include maintaining stability on the Korean Peninsula, discouraging any support for weapons of mass destruction or missile programs of rogue states, managing the Taiwan-China situation, and promoting trade, market reform and human rights. A nearly identical argument could be made about applying broad sanctions against Russia because of its transgressions in the realm of missile exports.

Include humanitarian exceptions in any comprehensive sanctions. Innocents should not be made to suffer any more than is absolutely necessary. Including an exception that allows a target nation to import food and medicine should also make it easier to win domestic and international support. A humanitarian exception was made for Iraq—and one should be made for Cuba.

Issue a policy statement to Congress before or soon after a sanction is put in place. Such statements should be clear as to the purpose of the sanction; the required legal and political authority; the expected impact on the target, including its possible retaliation; the probable humanitarian consequences and steps to minimize them; the expected costs to the U.S.; the prospects for enforcing the sanction; and the anticipated degree of international support or opposition. In addition, policy makers should explain why a particular sanction, as opposed to other policy tools, was selected. Once sanctions are in place, policy makers should prepare a similar report to Congress every year. The proposed Sanctions Reform Act, sponsored by Sen. Richard Lugar (R., Ind.) and Reps. Lee Hamilton (D., Ind.) and Phil Crane (R., Ill.) takes many of these steps.

Include an exit strategy in every sanction plan. The criteria for lifting the sanction should be clearly spelled out. Current sanctions often lack this feature: The 1994 legislation that led to sanctions this year against India and Pakistan lacks any road map for how the sanctions might be reduced or lifted.

Allow the president discretion in the form of waivers. This would authorize the president to suspend or terminate a sanction if he judged it was in the interests of national security to do so. Such latitude is needed if international relationships are not to become hostage to one interest and if the executive is to have the flexibility needed to explore whether the introduction of limited incentives can bring about a desired policy goal. Waivers have reduced some of the worst features of legislation that penalizes non-American firms doing business with Cuba, Iran and Libya. And the absence of waivers is likely to haunt U.S. policy toward India and Pakistan, making it more difficult to influence their future decisions involving the deployment or use of nuclear weapons.

Challenge the authority of states and municipalities to institute economic sanctions. The Constitution may not settle the struggle between the executive and legislative branches over the foreign-affairs power—but it clearly limits the struggle to the federal government. Yet states and municipalities are adopting selective purchasing laws that prohibit public agencies from buying goods and services from companies doing business in or with target countries. The Clinton administration should support efforts to stop states and cities from conducting foreign policy, such as a recently filed lawsuit to enjoin Massachusetts from enforcing its law that would effectively ban the state from doing business with companies active in Burma.

REFLEXIVE TENDENCY

All of these proposals have one purpose: to reduce Washington's reflexive tendency to impose sanctions whenever political leaders are not prepared to use military force or carry out more appropriate—but more controversial—policies. Economic sanctions are a serious instrument of foreign policy. They demand consideration as rigorous as that which precedes military intervention. The likely benefits of a particular sanction to U.S. foreign policy should be greater than the anticipated economic and political costs. Moreover, the relationship between how the sanction is likely to affect U.S. interests should compare favorably to the likely consequences of all other policies, including military intervention, covert action, diplomacy, offering incentives (used to manage North Korea's nuclear ambitions) or doing nothing.

U.S. politicians and policy makers often see sanctions as an expressive tool. In fact, they are a form of intervention that can cause great damage to innocent people, as well as to U.S. businesses, workers and foreign-policy interests. In addition, sanctions can reduce U.S. leverage. Elimination of education, training and aid for foreign militaries, mandated by Congress to express displeasure with Pakistan and Indonesia, reduces U.S. influence with a powerful constituency in both those countries.

Foreign policy is not therapy. Its purpose is not to feel good but to do good. America's leaders should keep this in mind whenever they consider the imposition of sanctions.

CENTENNIAL ANNIVERSARY OF GUAM JOINING UNITED STATES FAMILY AND INTRODUCTION OF H. RES. 494 REGARDING THE CENTENNIAL

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. MILLER of California. Mr. Speaker, today I rise to say congratulations and Hafa Adai to our fellow citizens in Guam on marking the centennial of the American flag being raised on the island. In one hundred years Guam and its residents have provided a vital service to our national security and international relations within the Asian-Pacific region. In recognition of the centennial anniversary, Delegate ROBERT UNDERWOOD has introduced H. Res. 494 to bring our attention to the relationship between Guam and the United States and to highlight the work that still remains to be done. I am proud to be an original cosponsor of Mr. UNDERWOOD's legislation.

When the Japanese military temporarily seized control of Guam during World War II, many Guamanians suffered greatly for their loyalty to the United States. Although its residents were not yet American citizens, many hid and protected Americans throughout the

occupation and did so at their own peril. The patriotism and bravery shown was unflinching and should never be forgotten by the people of our nation.

Many of Guam's residents wish to change the current relationship with the Federal government. I firmly believe in the right of Guamanians to determine for themselves what is best for their future welfare. If the people of Guam believe that is best achieved through a change of status and becoming fully self-governing, then I will assist in that endeavor. In addition, we have had a hearing on Guam's Commonwealth legislation this Congress and we need to continue to work on that proposal.

Many activities continue to be held here in Washington and across Guam to mark the centennial anniversary. Some are light and joyous while others are more somber and reflectful—but while the festivities continue in Hagatna and throughout Guam—let us be mindful of the past but with an eye towards the future.

Mr. Speaker, I call on you to schedule Congressman UNDERWOOD's legislation, H. Res. 494 for consideration by the House of Representatives before the August recess so the people of Guam know that this Congress is respectful of the unique history we have with them and the commitment to their future.

INTRODUCING A BILL TO ESTABLISH THE TUSKEGEE AIRMEN NATIONAL HISTORIC SITE

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. RILEY. Mr. Speaker, despite a widespread belief that they did not have the ability as black aviators to be effective war fighters, the famed Tuskegee Airmen of World War II proved that they were among the best pilots in the European Theater.

Affectionately known by the bomber crews they protected as the "Red Tails" (for the red paint on the tails of their fighters), the pilots of Tuskegee did not lose one bomber in their care to enemy fighters. As a result of their heroic service, the Tuskegee Airmen were one of America's most highly decorated fighter groups of World War II.

But the contributions of the Tuskegee Airmen did not end with the war. Because of their demonstrated ability as an effective fighting force and their individual heroism, the Tuskegee Airmen gave President Harry S. Truman the proof he needed to justify his decision in 1948 to desegregate the U.S. military. Finally, the Airmen's success served as an inspiration for the civil rights movement in following decades.

Mr. Speaker, today, I, along with my colleague, Congressman EARL HILLIARD, will introduce legislation in the House of Representatives that will designate the Tuskegee Airmen National Historic Site at Moton Field, Alabama, as a unit of the National Park Service. Ultimately, this legislation will allow the Park Service to tell the American people the complete story of the brave men at Tuskegee who overcame racism and intolerance in their own nation so that they could fight racism and intolerance in Europe.

Mr. Speaker, we should neither discount nor forget the impact of the Tuskegee Airmen on the "American Experience." The Tuskegee Airmen, in my view, should be immortalized, honored and thanked for their courageous and selfless efforts to preserve and protect the freedom that every American enjoys. We can do that by passing this measure.

TRIBUTE TO JASON BELL

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. BARR of Georgia. Mr. Speaker, oftentimes, we read in the newspapers or hear on television, all the problems faced by our youth in today's society. I want to share with you the story of a young man who overcame adversities, set goals for himself, and achieved those goals: Jason Bell.

Jason Bell has resided in Rockmart, Georgia his entire life. I first met Jason when he entered the Seventh District Congressional Art Competition in 1997. He wasn't awarded first place that year but he didn't quit. This Spring, Jason was the winner of the Congressional Art Competition for the Seventh District of Georgia.

Jason's art teacher, Mrs. Christine Parker, teaches at both the elementary, middle, and the high school levels in Rockmart. She watched as Jason developed an interest in painting and pottery while in middle school. His skills continued to improve. Mr. Terry Lindsey, an executive with Engineered Fabrics, a prominent company headquartered in Rockmart, befriended Jason, through a Mentor Program, and watched with pride as Jason continued to achieve excellence in his studies and in his artworks.

During his four years of high school, Jason received numerous honors which included Governor's Honors, Boys State Award, Who's Who Among American High School Students, Beta Club, and others. After graduation this summer, Jason received The Shorter College Presidential Scholarship, which will pay all expenses for a four-year degree. Other academic scholarships awarded to Jason were the Rome Elk Club Scholarship, Rockmart Rotary Club Scholarship, the Temple Inland Foundation Scholarship, and an additional academic scholarship from Shorter College as a result of his being selected the winner in the Congressional Art Competition.

Jason will attend Shorter College in Rome, beginning this fall, to study chemical engineering. His family, teachers, friends, his community, and his Congressman, are very proud of Jason Bell, and are fully confident he will not only succeed at achieving his goals, but will far exceed them.

HONORING COLONEL RANDY HAGLUND

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. SMITH of Michigan. Mr. Speaker, I rise today to join friends and family in honoring the distinguished service of Colonel Randall R. Haglund, commander of the Defense Logistics Information Service (DLIS) in Battle Creek, Michigan. Since 1995, Colonel Haglund has directed DLIS to help ensure our nation's military readiness. I am honored to wish him well on his retirement.

Throughout his tenure as commander, Randy Haglund distinguished himself as a superior leader who successfully guided DLIS through some difficult times. I know that I valued his knowledge and advice as I promoted the work of this facility in Congress. Due in no small part to his efforts, DLIS not only remained in Battle Creek, but was expanded and modernized.

Among his many achievements was his leadership role in the integration of the Central Contractor Registry (CCR) with existing systems. This innovation will provide better and more accurate information to military operations worldwide. Randy also was able to reengineer several major processes by incorporating new programs such as the Logistics Information Network (LINK) and the Electronic Catalog (E-Cat). I'm no expert on these programs, but I know very well that Randy's efforts proved once again the important role DLIS plays in our nation's defense.

In addition to his other duties, the Under Secretary of Defense asked Colonel Haglund to lead an independent review of the DoD Cataloging Centralization and Consolidation program, a major reengineering effort. Through his leadership, the team successfully completed the initial centralization and consolidation plan.

Colonel Haglund's greatest legacy surely is the improved efficiency of the Defense Logistics Information Service and Department of Defense. His hard work saves the taxpayers nearly $150 million a year. This is an accomplishment that we can all appreciate.

Randy has received many military honors, including the Meritorious Service award with gold star, the Navy Commendation, the National Defense Medal and the Defense Superior Service Medal. As a veteran, I have great respect for those who have earned a leadership role in our armed forces and I value very highly the contributions people such as Randall Haglund have made to safeguard our nation in an unpredictable world.

Time and time again Colonel Haglund has proven to be an exceptional man and leader. For these reasons, Bonnie and I wish the Colonel, his wife, Barbara, and their three sons the very best in all of their future endeavors. We in Battle Creek shall miss him.

CONGRATULATING MICHAEL LIN AS GUAM'S SMALL BUSINESS PERSON OF THE YEAR

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. UNDERWOOD. Mr. Speaker, the Guam Chamber of Commerce annually selects the "Small Business Person of the Year" from a pool of individuals or business partners owning and operating or bear principal responsibility for small business establishments on Guam. The chamber takes into account staying power, sales growth, growth in payroll, innovativeness in product or service, response to adversity, and civic contributions. This year the honor was bestowed upon Michael Shih Lin, the president of Hornet International Inc.

In 1973, Michael Lin was on a business trip to Brazil as a Chemical Engineer and Manager for Taiwan Cyanamid Company, a subsidiary of its American counterpart. On his way back, his flight stopped over on Guam and upon recognizing the potential, he returned in 1973 and opened a retail store selling bicycles and skateboards.

Through the years, this business, now known as Hornet International, Inc., has grown steadily. The company's decision to expand from a skateboard and bicycle store to a full sporting goods store is a clear turning point. Starting with only one employee in 1974, Hornet, at one time, employed thirty-nine full-time employees at four locations.

Over the last two decades Michael's company has survived major typhoons, a disastrous fire, and intense competition from off-island retailers. In the face of adversity, Hornet has taken steps to expand its sales base. Since 1997, the company has imported bicycle parts from China and Taiwan for resale to retailers and importers. Their goal of importing bicycle parts and assembling them for resale in the United States is coming to fruition with the establishment of the company's California operations. Hornet's success is undoubtedly due to Michael's business acumen and innovations.

Taking time out of his business ventures, Michael also devotes his personal time and resources to civic activities. He has served on the board of the American Red Cross, Guam Chapter. During his tenure as president, the Rotary Club of Northern Guam was named the "Most Outstanding Club in District 2750". He was instrumental in the establishment of the Rotary Club of Guam Sunrise in 1997 and he currently serves as Vice Chairman for the Friendship Committee for District 2750 which includes Rotary Clubs from Japan. Michael was also the chapter president of the Chinese Merchants Association during its inception in 1993 and served through Chinese New Year of 1997. In addition, Michael also serves as a member of the Governor's Council of Economic Advisors, as a Board Member of the Guam Chamber of Commerce, the University of Guam Pacific Islands Small Business Development Center Network, and the Navy League of the U.S. Guam Council.

For over two decades, Guam's small business community has benefited from Michael Lin's efforts and dedication. I join the Guam Chamber of Commerce and the people of Guam in celebrating Michael's contributions and success and congratulate him for being chosen as "1998's Small Business Person of the Year."

CONGRESS SHOULD NOT INTERFERE WITH THE CLOSE RELATIONSHIP BETWEEN THE PRESIDENT AND THE SECRET SERVICE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. CONYERS. Mr. Speaker, I am told that the Majority Whip, Mr. DELAY, will soon offer an extraordinary and unprecedented amendment to the Treasury-Postal appropriations bill which seeks to involve Congress in pending litigation between the Secret Service and the Independent Counsel, Kenneth Starr.

That litigation, which is before the federal appeals court in the District of Columbia, concerns whether Secret Service agents can be required to testify about private activities of the President. Under this Republican amendment, Congress would direct the Attorney General to withdraw the Secret Service's appeal from an order that affects them, and every future President, profoundly.

What the gentleman from Texas and the Republican leadership want is for Congress to weigh in on an important and difficult legal issue and give free and unsolicited legal advice to the Attorney General. The amendment is bad policy and, I am quite sure, unprecedented. Never, in my memory, has the Congress tried to involve itself in such sensitive litigation, and certainly not in the context of an Independent Counsel's investigation of the President.

Former President George Bush, in a recent letter to Secret Service Director Lewis Merletti, wrote, based on his experience, that he hoped that Secret Service agents "will be exempted from testifying before the Grand Jury." President Bush went on to say that "[w]hat's at stake here is the protection of the life of the President and his family, and the confidence and trust that a President must have" in the Secret Service. Even the three-judge panel of the D.C. Circuit Court of Appeals that originally heard the case itself said that "ensuring the physical safety of the President is a public good of the utmost importance."

Just this past Sunday, the Chairman of the Senate Judiciary Committee, Mr. ORRIN HATCH, said that his committee would hold hearings to consider legislation in this area, a proposal that I think is quite reasonable. But until Congress considers this complex area, I don't believe that we have any business trying to dictate to the Attorney General what position she should take in this litigation.

The Secret Service has a unique relationship with every President of the United States. Secret Service agents necessarily are within earshot of every confidential communication that a President has. Are we ready to require these agents to repeat everything that they overhear the President or the head of a foreign country say? The gentleman's amendment threatens the open and close relationship between the Secret Service and the President, a relationship that must provide the President with maximum security and protection.

As a matter of principle, the Secret Service has independently decided that the issue is important enough to seek rehearing before the entire District of Columbia Circuit Court of Appeals. Given the Secret Service's strongly held views, isn't it a bit presumptuous of us to consider the invitation of the gentleman from Texas to take a position on this issue?

TRIBUTE TO DANIEL L. LAVER

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. CUNNINGHAM. Mr. Speaker, I rise today to pay tribute to Daniel L. Laver, a long time resident of San Diego, who has recently retired as Director of the San Diego County Area Agency on Aging. Mr. Laver leaves behind an agency that has become the leader in services to the elderly and disabled populations in our county. For almost forty years, Mr. Laver gave his all to the County of San Diego and its citizens, often times putting his life on hold to meet the challenges and break the roadblocks that prevented the agency from providing the highest quality services. Several services and products developed under Mr. Laver's leadership have been deemed "Best in Class" at the local, state and national levels. Dan's motto has been: "If it's good for seniors—do it! If it's not—don't."

Dan is known for his tenacity in enhancing options for elderly and disabled people to remain living independently in their own homes and communities and for his creativity in program development and management. Highlights of his remarkable career include: building and renovating 18 senior centers throughout the county under the Senior Center Bond Act of 1984; creating "Meals on the Move" which delivers hot, nutritious meals to the homebound elderly on holidays, weekends and on an emergency basis; expanding the county's case management program to embrace younger persons with disabilities, as well as the elderly; establishing "Links-to-Life," which provides emergency medical identification bracelets for low-income seniors; and helping to establish "Christmas in April," which rehabilitates the houses of low-income elderly and disabled homeowners.

Mr. Laver is currently President of the National Association of Area Agencies (N4A) on Aging and leads them in their nationwide advocacy. In that capacity, he testified on the Older Americans Act before the Subcommittee on Early Childhood, Youth and Families, which I chaired at that time. In 1988, he was given N4's highest honor, the Distinguished Director Award. He also led the California Association of Area Agencies on Aging as its President from 1986 to 1987.

I commend Dan Laver for making a significant impact on the lives of elderly and disabled people in San Diego County and throughout the nation.

PERSONAL EXPLANATION

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. SHAYS. Mr. Speaker, on June 22, 1998, I mistakenly cast a "yea" vote on rollcall vote 256 on H. Con. Res. 452, expressing the sense of the House that the Board of Governors of the United States Postal Service (USPS) should reject the recommended postage rate increase. Please let it reflect in the record that I intended a "nay" vote.

The USPS faces enormous challenges, primarily maintaining universal mail service at an affordable price across our entire nation. The USPS needs to be more efficient and to improve local service in some areas, including parts of Connecticut's Fourth Congressional District. But I do not believe the increase is unreasonable.

Congress pushed for the Postal Service to be run like a private business and, therefore, should not interfere now in the decisions its board makes. The increase in the price of a first-class stamp, to 33 cents, is less than one-third the rate of inflation over the more than three years the 32-cent rate has been in effect.

COMMENDING THE TOWN OF CHESHIRE, CONNECTICUT

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. MALONEY of Connecticut. Mr. Speaker, during this past Fourth of July district work period, most of us participated in a variety of events in our congressional districts across the nation that underscored the patriotism that we all hold for our country. These events reminded us all of our heritage and the privilege of living in the greatest nation in the world.

Such a reminder should be noted not only on one day a year, but day-in and day-out. Accordingly, the people of the Town of Cheshire in my congressional district have recently taken steps to make patriotic pride a mainstay of every day life in their community. This past April 25th, the Town dedicated the Medal of Honor Plaza and a "Living Classroom of Historic Trees" to honor the Town's two Congressional Medal of Honor recipients, as well as other veterans with roots in Cheshire.

Captain Eri Woodbury, who fought with the Vermont Cavalry during the Civil War was the Town's first recipient in 1864. He was followed in 1965 by Vietnam War veteran Col. Harvey C. Barnum, USMC (Ret.). Only 3,500 individuals have received the Congressional Medal of Honor since its inception in 1862. Given the town's relatively small population of about 26,000, two Medal of Honor recipients is a highly notable distinction.

Near the center of the Town there now stands a black granite monument commemorating Captain Woodbury and Col. Barnum. The memorial is centered on a star shaped Plaza paved with bricks, each one bearing the name of one of over 400 other veterans with ties to Cheshire.

The "Living Classroom of Historic Trees" are seedlings taken from historic trees from around the country: Valley Forge, the Gettysburg battlefield where President Lincoln delivered his Gettysburg Address, the site of George Washington's Delaware River crossing, Mt. Vernon, Nathan Hale's home in Connecticut, as well as the Charter Oak, the famous Connecticut state tree. These historic trees represent not only great events, but people who made significant contributions to the history of our country.

Mr. Speaker, the Plaza and the Historic Trees are visible reminders of the fact that freedom is not free, but, indeed, comes only at great price. The Town of Cheshire is a proud community, proud of its heritage and that of our nation. The Cheshire Plaza signifies that pride, and the Town and its residents are to be commended for it.

INTRODUCTION OF THE MEDICARE+CHOICE COLD-CALLING PROHIBITION ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. STARK. Mr. Speaker, I rise today with a number of my colleagues to introduce "The Medicare+Choice Cold-Calling Prohibition Act." This bill would prohibit unsolicited telemarketing sales of new Medicare+Choice health plans to Medicare beneficiaries.

Under the new Medicare+Choice program developed in the Balanced Budget Act of 1997 (BBA), Medicare beneficiaries will no longer have only a choice of traditional Medicare or HMOs. Seniors will now get to choose among an alphabet soup of additional options such as PPOs, PSOs, POSs, Private FFS, and MSAs. All of this would undoubtedly lead to real confusion.

Adding to that confusion will be the fact that many more private health insurance programs will be competing to capture large segments of the Medicare population.

The Balanced Budget Act of 1997 recognized the power of these insurance advertising budgets to sway seniors into decisions that may not be in their best interest. The law requires that marketing materials be submitted to the Health Care Financing Administration (HCFA) for review and that fair marketing standards be followed that prohibit cash or monetary rebates as an inducement to enroll.

HCFA's proposed regulation for implementing the BBA go even further. They prohibit insurance companies from marketing their products door-to-door, forbid misleading activities in marketing practices (such as intimating that the government endorsed their plan), and the plans must market to the disabled population as well as seniors. While all of these protections are good, they don't go far enough.

In addition to adding new managed care options to the Medicare program, the BBA greatly enhanced the ability of states to enroll their Medicaid populations in managed care. The marketing protections for Medicaid enrollees actually go further than those for Medicare beneficiaries. The BBA ensures that managed care plans "shall not, directly, or indirectly conduct door-to-door, telephonic, or other 'cold-call' marketing of enrollment under this title." So, our Medicaid population is protected from becoming prey to telemarketers whose paychecks depend directly upon the number of healthy risks that they sign up for the plan.

Unfortunately, our nation's Medicare beneficiaries are not protected from telemarketers. And, we know the senior population is especially vulnerable to a well-honed health insurance sales pitch. Many of you will recall the evidence we uncovered in the late 1980's that pushed us to enact standardized Medigap policies and to prohibit the sale of duplicative policies. We found seniors who were literally paying for a dozen Medigap plans—most of which covered the exact same benefits! And, a dozen policies for one individual wasn't even the most egregious of the examples.

That's why we rise today to introduce the Medicare+Choice Cold-Calling Prohibition Act". This bill does exactly what its title indicates—it would protect our seniors from being inundated with unwanted sales pitches. It provides the same protections granted to our Medicaid recipients to Medicare beneficiaries.

The BBA Medicare changes are significant—the most significant changes made to the program since its inception in 1965. It is important that Medicare beneficiaries learn as much as possible about these changes and make sure that the choices they make are in their best interest. The unfortunate reality is that we know from past practices that telemarketers will not be looking out for seniors' best interests. They will be looking out for making the biggest commissions possible. That's why passage of the Medicare+Choice Cold-Calling Prohibition Act is so important.

BOY SCOUTS OF AMERICA HONORS HIAWATHA COUNCIL FOR SUPPORT PROGRAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. WALSH. Mr. Speaker, I rise today to publicly commend members of my Central New York community who have achieved great stature for the Hiawatha Council of the Boy Scouts of America.

By instituting the Boypower Program and endowment facility, these outstanding individuals have enhanced the future of the Hiawatha Council.

I know these people to be civic leaders beyond compare. For their work in scouting, they were honored recently at the national meeting of the BSA in San Antonio, TX. They are Hiawatha Council Scout Executive Bill Moran, President of the Council John Chambers, Arnie Rubenstein, and George and Barbara Schunck. They and everyone they work with should be proud of this national honor.

Across the Nation, as some of my colleagues will know, endowment giving in the BSA has more than doubled since 1994. The

results have been increased staffs, expanded services to at-risk children and support for ordinary operating expenses.

Four years ago, the Hiawatha Council got excited about endowment giving possibilities. They set out to support something they believe in—a community helping its own. The estimated $23.5 million in gifts they handled during the past four years is a tribute to their effort and commitment.

I want to ask my colleagues in the House of Representatives to join me in congratulating the Hiawatha Council and all those who have been involved in this outstanding program.

TRIBUTE TO LISA MENDOSA

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Lisa Mendosa. Lisa Mendosa, an accomplished woman of the '90s, has added the title of Community Relations Coordinator for Borders Books to her credit. Having worked in numerous fields, Lisa Mendosa is in many respects, considered a renaissance woman.

Lisa Mendosa has had an impressive career, and still has much of her life ahead of her. In 1987, she was named one of America's top 100 women in Communications/Hispanic USA. In the same year she also won an award in the Associated Press television-radio competition. In 1989, she was named one of America's top 100 junior college graduates. In 1995, Lisa Mendosa received an Emmy Award for her coverage of the Lear Jet crash in Fresno. She was one of the first people to be given an Emmy Award for broadcasting.

Lisa Mendosa has also published a number of books on animals and children. She has a great love for animals and has raised two dogs from the age of eight weeks and studied their development for more than 8 years. Lisa Mendosa spent 17 years working in TV news researching, writing, producing and presenting thousands of news stories. At Channel 24, Lisa went from management to being a producer. After winning her Emmy, Lisa was offered a position by Channel 30, which she took. Currently, she is a Community Relations Coordinator for Borders Books. Today, she works harder than ever to establish a close community relationship with the Borders Books staff.

Mr. Speaker, it is with great honor that I pay tribute to Lisa Mendosa. Already being an accomplished woman of the '90's and considered a renaissance woman, Lisa Mendosa continues to be dedicated to her work. Her dedication and exemplary efforts should serve as an inspiration to all. I ask my colleagues to join me in wishing Lisa Mendosa continued success for the future.

KELSEY TEMPLE CHURCH OF GOD IN CHRIST CELEBRATES DIAMOND JUBILEE 1923–1998

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Ms. NORTON. Mr. Speaker, on the occasion of its Diamond Jubilee, I rise to celebrate the Kelsey Temple Church of God In Christ and its founder, Bishop Samuel Kelsey.

Mr. Speaker, The life and history of the late Bishop Samuel Kelsey speak volumes about the church legacy he bequeathed to the citizens of the Nation's Capital. The church officers and members, in the Washington, D.C. Jurisdiction of the Church of God in Christ, take great pride in the combined histories of their great church and its founding father.

Bishop Kelsey was born on April 27, 1898 in Sandersville, GA. He received Christ in May 1915 and relocated to Philadelphia, PA in 1920, Bishop Kelsey officially started the first Church of God In Christ, now known as the Kelsey Temple Church of God In Christ, at 331 C Street, SW. Tent revivals were held nightly. The text of his first sermon, "Follow peace with all men, and holiness, without which no man shall see the Lord" was later adopted as the church's creed.

Prior to the purchase of the present site, services were conducted at several locations, 404 4½ Street, SW, 2030 Georgia Avenue, NW 4th Street, SW, 451 Virginia Ave., SW and 610 H. St., SW.

Bishop Kelsey's message and ministry reached the entire Washington, D.C. area through the airways. He began broadcasting on WWDC AM in 1941, and later on WOOK AM. The broadcasts continued for more than 40 years. Many broad branches were established as a direct result of Bishop Kelsey's work in this city including: St. Paul Miracle Temple Church of God In Christ, New Bethel Church of God In Christ, Friendship Church of God In Christ, Emmanuel Church of God In Christ, Open Door Church of God In Christ, Star of Bethlehem Church of God In Christ, Macedonia Church of God In Christ, Kirkland Memorial Church of God In Christ, Cornerstone Church of God In Christ, Victory Praise Church of God In Christ, Capital Temple Church of God In Christ and Living Word Church of God In Christ.

In his early ministry, Bishop Kelsey stood as a giant against the adversarial forces which resisted the holiness movement taking root in the Nation's Capital. His charismatic persona and great zeal, however, affirmed his prominence in the local, national and international religious communities. Samuel Kelsey engineered and erected bridges which spanned denominational gaps, and elevated his ministry to a pinnacle of religious diversity and camaraderie in this city. He also pioneered media relations and, in 1989, was recognized by the National Religious Broadcasters (NRB) for his excellence in service to the broadcasting community.

Bishop Kelsey's contributions to the city at-large demonstrated the compassion and commitment which characterized his ministry. Under his pastorate, the church acknowledged its debt "to serve those in need" physically as well as spiritually, by burying many of the disenfranchised and by establishing an Outreach Ministry which still exists today. This endeavor demonstrates the essence of servanthood through its clothing, food, and Summer Youth programs. The church also distributes tracts and Bibles, and has a strong Prison Outreach Ministry which serves the D.C. Jail and the Lorton Correctional Institutions.

The church often provided an open forum for the city's political process by offering its pulpit to noteworthy candidates. As an agent in social causes, the church accepted the challenge to continue rendering services during times of civil unrest. In the aftermath of the assassination of the Reverend Dr. Martin Luther King, Jr., this church provided temporary relief and shelter for duty-worn officers and civilians.

In 1953 and 1958, Bishop Samuel Kelsey was awarded both the Doctor of Divinity (DD) and Doctor of Laws (LLD) degrees, respectively, from Trinity Hall College and Seminary in Springfield, Illinois. The esteemed legacy of Samuel Kelsey is a tower to the monumental temple that is the gateway to Park Road and 14th Street, NW. It is the inheritance left by a visionary and humble servant that is deeply rooted in the essence of Pentecostalism, and continues to serve as a beacon to the weary and downtrodden. The current pastor, Elder Fred D. Morris, Sr., the former assistant pastor, has accepted the charge of continuing to spread the good news from this vantage point.

Mr. Speaker, I ask the Members in this hallowed chamber to join me in echoing the theme of the Diamond Jubilee of the Kelsey Temple Church of God In Christ, "Remembering the Past . . . Living the Present . . . Preparing for the Future."

TRIBUTE TO FREDERICK W. SILVERTHORNE

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to recognize the outstanding achievements of Mr. Frederick W. Silverthorne on his 80th birthday. I ask my colleagues to join me in sending warm wishes to Mr. Silverthorne on this special day.

Mr. Silverthorne has served his country both in the Armed Services and as an elected official. After he graduated from the University of Illinois, Mr. Silverthorne served twenty-seven years in the U.S. Navy where he earned several medals and commendations for his bravery, including the Distinguished Flying Cross. He retired from active duty after attaining the rank of Captain. His position as a naval aviator on the aircraft carrier *Coral Sea* allowed him to fly multiple types of aircraft. Mr. Silverthorne's bravery and valor are demonstrated by his experiences while fighting in World War II, the Korean War, and the Vietnam War. He retired from the Navy in 1968 and joined the National Security Industrial Association (NSIA) where he specialized in anti-submarine warfare for twenty years.

Mr. Silverthorne moved to the City of Fairfax in 1962. In the 1970's, he served on the City's Planning Commission and Parks and Recreation Board. He generously volunteered his time and guided the city at a time when it was experiencing rapid growth as a suburb of Metro Washington. He also served as a member of the Board and President of the Old Lee Hills Civic Association over the past thirty years and is still currently active in the organization. He helped put Old Lee Hills on the map as a politically active community. Mr. Silverthorne was elected to the Fairfax City Council in 1974 and was then elected Mayor of Fairfax in 1978 and re-elected in 1980. He took this position at a time when Fairfax City was feuding with Fairfax County over the city's independence. He was elected on a platform of preserving ties with Fairfax County including its school systems. The 1978 Mayoral election had the largest municipal turnout in City history with well over 4,000 people voting.

Mr. Silverthorne retired from the NSIA in 1988 after a long and distinguished career. Retirement has not slowed Mr. Silverthorne down, he remains active in all facets of his community. As a former champion diver, he gives diving lessons at the Country Club Hills Pool which he has been doing for 20 years. He is an avid golfer, playing any and every day the temperature is over 40 degrees. Mr. Silverthorne is also embracing the technology age by taking computer classes.

Mr. Silverthorne married the former Bette Brackett in 1943. They had four children: Craig, Janet, Nancy, and Scott. Scott has moved on to follow in his father's footsteps by serving as a five term member of the Fairfax City Council.

Mr. Speaker, distinguished colleagues, please join me in honoring the birthday of Frederick W. Silverthorne. As Mayor John Mason stated, "Frederick Silverthorne has made an enormous contribution to the Fairfax community not only as mayor or but as an outstanding civic leader." His 80 years have showed us what being a devoted and loyal American truly means.

TRANSATLANTIC EDUCATION AGENDA

HON. HENRY HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. HYDE. Mr. Speaker, one of our nation's great experts on education, Dr. D.L. Cuddy has written a valuable article on current legislative initiatives that we all can profit from reading. I herewith share it with my colleagues.

THE NEW TRANSATLANTIC

(By D.L. Cuddy, Ph.D.)

In the U.S. Congress, Rep. Henry Hyde has been warning people about school-to-work (STW) education initiatives, and Senator John Ashcroft has amended the Workforce Investment Partnership Act now being discussed to prohibit its funding of STW. At the state level, N.C. Rep. Don Davis is chairing a House Select Committee for Federal Education Grants, which has been investigating STW grants among others, and invited Richmond Times-Dispatch op-ed editor Robert Holland to address the Select Committee on this subject.

While the implications of STW at the state and national levels have been widely debated, not much has been written about the international connections. On May 18, the White House released a statement at the conclusion of the U.S.-European Summit in London, indicating that "through the New Transatlantic Agenda (NTA), created in 1995, the United States and the European Union have focused on addressing the challenges and opportunities of global integration."

One part of this "global integration" in 1995 was the agreement between the U.S. and the European Community establishing a cooperation program in higher education and vocational education and training. The agreement, signed December 21 of that year, called for "improving the quality of human resource development . . . Transatlantic student mobility, . . . and thus portability of academic credits." In this regard, a Joint Committee would reach decisions by consensus.

As part of the NTA, the U.S. and European Union then convened a major conference, "Bringing the Atlantic: People-to-People Links," on May 5-6, 1997 calling for "thematic networks for curriculum development," and further stating that in an information-based global economy, "governments too are obliged to adapt their economic, training and social welfare programs." The conference final report noted that in the U.S., ACHIEVE has been one of the organizations at the forefront of defining key issues in this regard and developing strategies to address them. ACHIEVE has been measuring and reporting each state's annual progress in establishing internationally competitive standards, and business leaders involved have indicated their commitment to consider the quality of each state's standards when making business location or expansion decisions.

The "Partners in a Global Economy Working Group" of the conference discussed "what redesigning of curricula is required . . . (i.e. what career skills are needed), . . . portability of skill certificates, . . . and institutionalizing cross-national learning/training activities."

Most people debating STW in the U.S. are familiar with the role of Marc Tucker, president of the National Center on Education and the Economy. He's also on the National Skill Standards Board (NSSB), and on its website under international links, one finds "Smartcards Project Forum," under which one reads: "The Tavistock Institute and the European Commission are working on a feasibility study to research the affect of using Smart Cards in competence accreditation. The study will be carried out in the USA and parts of Europe." The project involves assessing and validating students' skills, with information placed on personal skills Smartcards, which "become real passports to employment."

If without a passport one cannot enter a country, does this mean that without a skills passport one may not be able to get a job in the future?

In October 1997, the Tavistock Institute (and Manchester University) completed the final report for the European Commission, and described in a report summary were the relevancy of Goals 2000, SCANS (U.S. Department of Labor "Secretary's Commission on Achieving Necessary Skills") typology with its "profound implications for the curriculum and training changes that this will require," valid skills standards and portable credentials "benchmarked to international standards such as those promulgated by the International Standards Organization (ISO)."

The report summary went on to say that "there is increasing attention being focused on developing global skill standards and accreditation agreements," and there will be "partnerships between government, industry, and representatives of worker organizations . . . (and) a high degree of integration . . . embedding skills within the broader context of economic and social activity, and specifically within the areas of secondary education, work-based learning and local and regional economic development. . . . The NSSB, Goals 2000, STW Program are all combining to act as a catalyst to promote the formation of partnerships to develop skills standards. In this regard, a system like O*Net can be seen as the 'glue' that holds everything together."

O*Net is a new occupational database system sponsored by the U.S. Department of Labor's Employment and Training Administration, and is being piloted in Texas, South Carolina, California, New York and Minnesota. It includes information such as "Worker Characteristics" (abilities, interests and work styles) and "Worker Requirements" (e.g., basic skills, knowledge and education).

HEROES OF EAST CHICAGO, IN

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor and pleasure to commend the following residents of Indiana's First Congressional District for their display of bravery, community service, and altruistic heroism in rescuing over one hundred senior citizens from a fire in the Lake County Nursing and Rehabilitation Center, in East Chicago, Indiana, on June 20, 1998: Foster Battle, Leroy Butts, Dion Cook, Dwayne Cook, Priscilla Cook, Jermaine Cousinard, Betty Gibbs, Johnny Gillis, Darcey Glenn, Mitch Glover, Andrew Gregory, Dwayne Jackson, Anna Rose Jefferson, Jackie Jones, Joey Jones, Johnny Jones, Tyrus Julkes, Bennie Sapp, Louis Sapp, Willie Scott, Alan Simmons, Tim Taylor, Waylane Upshaw, Louis Ward, and Arthur Washington. In recognition of their unselfish efforts, these valiant heroes were honored by the City of East Chicago in a ceremony on July 1st, in Riley Park.

Though five residents of the nursing home were hospitalized, there would have been many more injuries, and even death, if not for the dozens of neighbors, friends, and passers-by who rushed to the scene of the fire. Minutes before the fire trucks and firefighters arrived from the East Chicago Fire Department, the intrepid rescuers were breaking windows with their hands and feet to evacuate the 112 residents from the blazing nursing home. Placing their own lives in danger, these brave humanitarians repeatedly entered the building, evacuated residents, and aided firefighters in caring for the injured until medical help could arrive. If not for their heroic efforts, many more

could have been injured, or might have perished, in the fire.

This neighborhood effort shows the importance of community and friendship to the people of Northwest Indiana. Without the teamwork, leadership, and effort shown by these heroes, an unthinkable tragedy might have occurred. Moreover, these dauntless efforts represent the real value, respect, and honor the region shows its senior citizens. This noble rescue shows what a neighborhood can accomplish when working in concert, as well as representing an ideal of every true American community in a crisis.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending the brave efforts of these upstanding citizens, as well as the East Chicago Fire Department, for their extraordinarily heroic efforts, last month, which saved the lives of the 112 residents of the Lake County Nursing and Rehabilitation Center.

COMMENDING KIM BEAL

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. BALDACCI. Mr. Speaker, during the July District Work Period, I had the opportunity to meet an extraordinary young girl from Addison, Maine. Kim Beal, who is now 11 years old, is a true American hero. I am pleased to be able to bring her to the attention of the House.

Kim has faced many challenges in her life. Diagnosed at the age of 4, Kim has battled a rare form of cancer. She has received chemotherapy treatments, has faced surgeries, and has developed a weakened heart, a common side effect of some forms of chemotherapy.

But her positive attitude and will to survive have kept her going, and kept her one step ahead of the cancer. Today, there is no sign of the cancer in Kim.

That is battle enough to qualify Kim for the designation of "hero." But that is not all of Kim's story.

During her recovery from cancer, Kim learned to swim. Doctors recommended swimming as a good sport to help Kim regain strength in her chest where her tumor was removed. Over time, she has become a very strong and confident swimmer.

The past April, her swimming skills were put to the test. As she played by the pool at a hotel in Ellsworth, Maine, 4 year old Morgan Beal (who is the daughter of Kim's 4–H leader and is not related to Kim) jumped into the pool while an adult was distracted. Kim heard the splash, and looked over to see that the girl could not swim. Kim swam to the girl, grabbed hold of her, and swam toward the side of the pool. Although the girl was grasping at Kim and making it difficult for her to swim, Kim managed to get her to the side of the pool where others helped to pull her out.

It is no understatement to say that Kim's actions that day were heroic. She put her own safety at risk to help a small child who was drowning. Were it not for Kim's actions, the day could have been tragic.

While in my District, I was pleased to have the opportunity to present Kim Beal with the Role Model of the Year Award at the Maine 4–H Teen Conference. Kim truly is a role model for all her peers, and I'm glad she is getting the recognition she so clearly deserves.

TRIBUTE TO BILL OBAN

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. POMEROY. Mr. Speaker, today, North Dakotans said goodbye to a great friend and one of the most compassionate leaders the State has ever seen. State Representative Bill Oban passed away last week and I would like to take this opportunity to pay him tribute.

As a leader in the State legislature over the past 14 years, Bill worked tirelessly on behalf of those who needed the most help. His energy seemed endless during tough battles over compensation for injured workers and education for students with special needs. Bill represented the best part of the Democratic Party—he was, as one good friend described him, the party's conscience—giving a voice to so many people without one. During a time when our country is long on political rhetoric and in short supply of people with vision working on behalf of others, Bill stood tall as a true champion.

You see, Bill was less interested in taking credit than he was in making a difference. And with that attitude, what a difference he did make! Sadly, he leaves behind a wonderful family that is just beginning to deal with their great loss. His wife Alice and his children Heather, Shawn and Chad are in my thoughts and prayers during this terribly difficult time.

North Dakotans not only lost a smart, caring legislator—they lost a good friend in Bill Oban. The newspaper from the State's largest city, The Forum, joined with the rest of the State in mourning the huge loss, calling Bill a family man first, an educator second, a lawmaker third. Knowing Bill, I am sure that is exactly how he would have liked people to remember him.

BILL OBAN WILL BE MISSED

North Dakotans didn't have to agree with state Rep. Bill Oban in order to respect his commitment to the people of his state. When the Bismarck Democrat died Friday from injuries suffered in an automobile crash a few days before, the state lost a compassionate and intelligent legislator.

Oban, 51, earned the respect of his colleagues because of his dedication to his ideals. His passion, which sometimes rose to indignant anger, made for lively committee meetings and floor debates in the state House of Representatives.

Even his political foes enjoyed Oban's style because they understood his determination to make North Dakota a better place for all. As a member of the minority, he often lost the issue, but never lost his sense of humor.

Oban grew up in New Rockford, lived in Grafton, and eventually settled his family in Bismarck. He had a good grasp of the different needs of rural and urban counties.

He was a family man first, an educator second, a lawmaker third. That combination served him well as an advocate for youth, families and people in need.

One of Oban's colleagues described him as "the conscience" of his political party. We would extend that characterization. His record suggests he was the conscience of the Legislature, often reminding the House of its responsibility to all North Dakotans, no matter their social or economic status.

North Dakotans say goodbye to Oban today. We join with his family, friends, and colleagues in mourning his death. He will be missed.

PERSONAL EXPLANATION

HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. HULSHOF. Mr. Speaker, due to business in my Congressional District, I was not present for roll call votes 267 through 274. Had I been present, I would have voted yea on roll call 267, no on roll call 268, yea on roll call 269, aye on roll call 270, nay on roll call 271, nay on roll call 272, nay on roll call 273 and aye on roll call 274.

CONGRATULATIONS TO BOB HOULDING SR.

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Bob Houlding Sr., for being recognized as the recipient of the 1998 Senior Farmer of the year award. Mr. Houlding has been providing dedicated services to the agricultural community for Madera County since the 1920's and is very deserving of this honor.

Mr. Houlding family's connection to Madera goes back to the 1800's. Bob Houlding Sr. is the son of William and Ludema Houlding. William Houlding came with his family from Nebraska to Madera in 1891. Bob Houlding Sr.'s brothers are Frank, Bill and Vigil, and his sister Ludema (Houlding) Weis.

Mr. Houlding started school in 1922 at Howard School, the year it was built, and graduated from Madera High School in 1934. In 1939, Bob Sr. joined the Air Force to serve his country, staying in until 1946. He initially signed up for a 3-year hitch, but just as his first tour was nearing its end, World War II broke out and he continued to serve. In the Air Force he worked as an engineer, repairing B–24s and B–29s in the 21st Bomb Squadron and serving in places such as New Orleans, La.; Riverside Ca.; Kansas; and the Aleutian Islands.

In 1942 he married Mildred Sonier. After marrying, the couple raised three sons, Bob Jr., Jerry and Mike. Mr. Houlding continued to farm once he returned to Madera, growing cotton, alfalfa, wheat and potatoes. As the years passed, Bob Houlding Sr. got his sons involved, and now together they own 3,500 acres in Madera and on the west side of the

San Joaquin Valley. His grandchildren and their spouses are also involved in the farming. All of the grandchildren are graduates, current students, or have aspirations of attending Cal Poly, San Luis Obispo.

Mr. Houlding began by farming row crops, but since 1976, has moved into growing tomatoes, cotton, wheat and almonds on the west side of Madera and Fresno County. Mr. Houlding's action plan for farming has always been to diversify the kinds of crops he grows and to use modern farming techniques as micro-sprinklers. Mr. Houlding has been a great proponent of reduced pesticide usage through the introduction of predator insects and water conservation through the installation of drip and sprinkler irrigation systems.

Mr. Houlding has always been supportive to his community and youth in agriculture. He was a member of the board of directors of the Golden State Gin, a member of the Trade Club, and a charter member of the Reel and Gun Club.

Mr. Speaker, it is with great honor that I congratulate Bob Houlding Sr. for receiving the Senior Farmer 1998 Award for Madera County. I applaud Mr. Houlding's dedicated services and leadership to the agricultural community. I ask my colleagues to join me in wishing Mr. Houlding many more years of success.

PERSONAL EXPLANATION

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Ms. MILLENDER-McDONALD. Mr. Speaker, during roll call vote number 267 on June 25, 1998, I was unavoidably detained. Had I been present, I would have voted "nay."

LABOR/HHS APPROPRIATIONS BILL

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. PACKARD. Mr. Speaker, I would like to express my strong support of the FY99 Labor/HHS Appropriations bill, which is being marked up by the full Appropriations Committee this afternoon.

While this year's legislation saves taxpayers nearly $2.6 billion, Chairman PORTER and his subcommittee have ensured that this Congress remains committed to the health of every American family. I am very pleased to note that this year's legislation contains almost $100 million more than President Clinton requested for the National Institutes of Health. We simply can't retreat in the fight against disease and sickness and this bill continues our commitment to vital research.

I am also pleased with the subcommittee's continued commitment to education in America. The subcommittee took a major step toward loosening the government restrictions that hamper local efforts at improving our children's education. I strongly support the subcommittee's recommendation to reduce GOALS 2000 funding by one-half. The GOALS 2000 program required states to develop complex student performance standards while subverting the ability of local school boards and families to decide what's best for their children. These "standards" measure only the cash, number of employees, and programs in the schools, while ignoring the results in terms of what our children learn. The federal bureaucracy's role in education has expanded over the years, but little has been done to foster the real reform that our children need.

Mr. Speaker, I would like to thank Mr. PORTER for his continued hard work and dedication as Chairman of this important subcommittee. I support his legislation and I look forward to its full consideration in the House.

COMMEMORATING THE RETIREMENT OF JOHN VANDER LANS, CITY PROSECUTOR OF LONG BEACH, CALIFORNIA

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. HORN. Mr. Speaker, I rise today to recognize the long and distinguished career of the Honorable John Vander Lans, the City Prosecutor of Long Beach, California. I have been privileged to know John Vander Lans for over 20 years.

John Vander Lans was raised in Long Beach where he attended St. Anthony High School and Long Beach City College. He served 2 years in the United States Marine Corps where he attained the rank of Captain. After completing studies for his law degree at the Loyola School of Law, John went to work for the California Attorney General. He then worked for 18 months as a deputy Long Beach city prosecutor, before going into private practice in Long Beach.

John Vander Lans, was first elected to the City Prosecutor's office in 1978. Long Beach has the only elected City Prosecutor in the State of California. During his tenure, the City Prosecutor's office grew from nine to 15 attorneys. He started special units to handle misdemeanor domestic violence cases and environmental crimes. The Domestic Violence Prosecution Unit has its own courtroom and has recently achieved a 78 percent conviction rate. The Hazardous Materials Prosecution Unit has raised over $2.5 million for our community.

Under John Vander Lans's leadership the City of Long Beach Prosecutor's office has successfully resolved 98 percent of building code complaints against slumlords without going to court. This is just another example of the fine work that John has done for Long Beach over the past 20 years. I know that John will be missed at City Hall, but I also know that he and Patricia, his wife of 38 years, will continue to serve our community for years to come.

PERSONAL EXPLANATION

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. BRADY of Texas. Mr. Speaker, on Thursday, June 25, 1998 by unanimous consent I was granted a leave of absence for official business at the request of House Majority Leader DICK ARMEY. As a member of the House International Relations Committee, I proudly co-hosted the European Parliament for the 49th United States/European Parliament Interparliamentary Meeting in College Station, Texas, which I represent.

Had I been present I would have voted "aye" on roll call vote 267, "nay" on roll call vote 268, "aye" on roll call vote 269, "aye" on roll call vote 270, "nay" on roll call vote 271, "aye" on roll call vote 272, "nay" on roll call vote 273 and "aye" on roll call vote 274.

COMMEMORATING THE RETIREMENT OF JOHN R. CALHOUN, CITY ATTORNEY OF LONG BEACH, CA

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. HORN. Mr. Speaker, I rise today to recognize the retirement of Hon. John R. Calhoun as the elected City Attorney of Long Beach, California. John Calhoun has served with distinction the city government and residents of Long Beach. During John's tenure, Long Beach has become the 5th largest city in California and the 31st largest in the nation.

As he retires, John Calhoun is the longest serving elected City Attorney in California.

Mr. Speaker, John Calhoun has overseen the legal affairs of the city of Long Beach for 15 years. In that time its seaport has become one of America's largest. John has substantially assisted the International trade of the United States, especially in the great Pacific Rim Basin, for which the Port of Long Beach has become a basic transportation hub.

John Calhoun also has had a distinguished career in the U.S. Army Reserve, from which he retired as a Colonel in the Judge Advocate Corps.

Mr. Speaker, on behalf of a number of our many colleagues—past and present—in the House who have come to know City Attorney Calhoun over the years, I would offer his commitment to public service as an example of the quality local governmental leadership and professionalism that personifies good government for all our citizens. John's career has been marked by a strict insistence on courtesy and fairness to all the city's citizens and to the elected officials with whom he has shared leadership for so many years.

So best wishes to John Calhoun and his wife, Betty. I think that dynamic couple will offer even more constructive service in the years ahead.